

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS))) VS.) NO. 12-CV-128) (DST, RMC, RLW)) ERIC H. HOLDER, JR.,) In his official) Capacity as Attorney) General of the United) States)</p> <p>***** ORAL DEPOSITION OF LARRY GONZALES *****</p> <p>ANSWERS AND DEPOSITION OF LARRY GONZALES, a witness called by the United States taken before Janalyn Reeves, Certified Shorthand Reporter for the State of Texas, on the 31st day of May, 2012, between the hours of 9:30 a.m. and 5:16 p.m., in the offices of the US Attorney, 816 Congress, Austin, Texas, pursuant to the agreement of counsel for the respective parties as hereinafter set forth.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p style="text-align: right;">PAGE</p> <p>Appearances..... 2</p> <p>LARRY GONZALES</p> <p>Examination by Mr. Gear 5</p> <p>Examination by Mr. Brazil 237</p> <p>Signature and Changes 249</p> <p>Reporter's Certificate 251</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF, STATE OF TEXAS:</p> <p>4 OFFICE OF THE ATTORNEY GENERAL:</p> <p>5 By: MR. JOHN W. MCKENZIE, III</p> <p>6 209 West 14th Street</p> <p>7 Austin, Texas 78701</p> <p>8 PH: (512) 936-6432</p> <p>9</p> <p>10 FOR THE DEFENDANT:</p> <p>11 DEPARTMENT OF JUSTICE</p> <p>12 By: MR. BRUCE GEAR</p> <p>13 - and -</p> <p>14 MS. RISA BERKOWER</p> <p>15 - and -</p> <p>16 MR. SPENCER R. FISHER</p> <p>17 950 Pennsylvania Avenue, NW</p> <p>18 Room 7161 NWB</p> <p>19 Washington, DC 20530</p> <p>20 PH: (202) 305-0185</p> <p>21</p> <p>22 FOR THE INTEVENORS:</p> <p>23 BRAZIL & DUNN</p> <p>24 By: MR. SCOTT BRAZIL</p> <p>25 4201 Fm 1960 West</p> <p>Suite 550</p> <p>Houston, Texas 77068</p> <p>Ph: (281) 580-6310</p> <p>FOR THE INTEVENORS:</p> <p>ADVANCEMENT PROJECT</p> <p>By: MS. DONITA JUDGE</p> <p>1220 L. Street, NW</p> <p>Suite 850</p> <p>Washington, DC 20005</p> <p>Ph: (202) 728-9557</p>	<p style="text-align: center;">4</p> <p>1 EXHIBITS</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 5 SB 14 155</p> <p>4 28 HB 218 105</p> <p>5 29 SB 362 99</p> <p>6 44 HB 1706 67</p> <p>7 102 Online History 105</p> <p>8 106 SB 362 100</p> <p>9 220 Notice of Deposition 14</p> <p>10 221 Post Session Report 170</p> <p>11 222 House Journal 183</p> <p>12 223 Online History 192</p> <p>13 224 Letter 205</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



<p style="text-align: center;">5</p> <p>1 LARRY GONZALES, having being first duly sworn, testified as follows: 2 EXAMINATION BY MR. GEAR: 3 Q. Good morning, Representative Gonzales. 4 A. Morning. 5 Q. This is the deposition for Representative Larry 6 Gonzales in the matter of Texas V Holder, USDC for DC 7 docket No. 1:11-CV-128. Again, good morning. And could 8 you state your full name and spell your name for the 9 record? 10 A. Sure. Larry Dean Gonzales. 11 Q. My name is Bruce Gear. I'm with the Department 12 of Justice and I represent the defendant in this case, 13 Eric Holder, the Attorney General. 14 MR. GEAR: I just say to everyone else could 15 you introduce yourself for the record. 16 MS. BERKOWER: Risa Berkower for the 17 Attorney General, Eric Holder. 18 MR. FISHER: Spencer Fisher for the Attorney 19 General. 20 MS. JUDGE: Donita Judge for the 21 Intervenors. 22 MR. BRAZIL: Scott Brazil for the Kennie 23 Intervenors. 24 MR. McKENZIE: John McKenzie for the State 25 of Texas and the witness.</p>	<p style="text-align: center;">7</p> <p>1 A. Yes. 2 Q. Okay. So is there any reason today that you 3 cannot testify completely and truthfully? 4 A. No. 5 Q. Are you taking any type of medication or drugs 6 that would interfere with your ability to understand and 7 testify completely and truthfully today? 8 A. No. 9 Q. This is an important one, if at any point you 10 want to take a break, you know, we may be in the middle 11 of a question and answer. And so what I would ask is 12 that if I've posed a question and you're in the middle 13 of answering that, that you complete your answer and 14 then I will give you an opportunity to take a break. 15 And that's also true if you -- if you need to speak with 16 your attorney at any time. If you're in the middle of 17 an answer, please complete your answer. Let me know 18 that you would like to speak to your attorney and I will 19 give you that opportunity. Do you understand that? 20 A. Yes. 21 Q. Now, there's a couple of terms that we're going 22 to be using throughout the day. One is voter ID and 23 photo ID. And we're going to be using that 24 interchangeably throughout the day during this 25 deposition. And I want you to interpret those terms as</p>
<p style="text-align: center;">6</p> <p>1 Q. (By Mr. Gear) Now, this is the opportunity for 2 me to ask you questions and for you to give full and 3 complete answers. And do you understand that you've 4 been sworn in under oath under penalty and perjury and 5 that this is kind of like a trial setting where 6 everything you say must be truthful and you must try to 7 give complete and full answers. Do you understand that? 8 A. Yes. 9 Q. Okay. And so let me -- let me go through a 10 couple of ground rules with you. Again, I'm going to be 11 asking you some questions and you are going to be 12 answering. But while I'm asking you the questions, give 13 me an opportunity to complete my question and I will 14 give you an opportunity to complete your full answer. 15 If at any time you don't understand the question that 16 I'm asking you, you can always let me know that and I 17 will try to rephrase it for you so that you understand 18 completely. Do you understand that? 19 A. Yes. 20 Q. All right. Now, it's important for you to say 21 "yes" or "no" or give a complete answer. You can't nod 22 your head because the court reporter is taking 23 information and she won't be able to capture the nod of 24 the head "yes" or "no". Do you understand that? So you 25 have to give a verbally answer?</p>	<p style="text-align: center;">8</p> <p>1 broadly as you can, to mean a requirement that a voter 2 present a form of identification, whether it has a photo 3 or otherwise, when voting in person before being 4 permitted to vote with a regular ballot. Do you 5 understand that term? 6 A. Yes. 7 Q. Okay. When I refer to you, I'm asking you 8 questions about your capacity as a member of the House 9 of Representatives. Do you understand that? 10 A. Yes. 11 Q. Okay. And when I'm also referring to you, I am 12 going to be referring to anyone in your office acting on 13 your behalf. Do you understand that? And before your 14 attorney objects to this, I'm going to be -- I'm going 15 to try my best to make it very clear when I'm referring 16 to just you and when I'm referring to you and your 17 staff. Do you understand that? 18 MR. McKENZIE: I'm just going to lodge the 19 objection for the record that to the extent there's 20 ambiguity, he's going to interpret "you" to mean 21 himself. And in the question, if it's obvious, "when 22 did you last vote." But other questions might be more 23 ambiguous. But with that objection, go ahead and 24 answer. 25 BY MR. GEAR:</p>



<p style="text-align: center;">9</p> <p>1 Q. Fair enough. And again, I'm going to give it my 2 best effort to make sure you understand when I'm 3 referring to you and when I'm referring to you and your 4 staff. Okay?</p> <p>5 A. Yes.</p> <p>6 Q. When I use the term minority voters, I mean 7 voters who are not white or not Anglo. Do you 8 understand that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you understand everything that I've said to 11 you so far today?</p> <p>12 A. Yes.</p> <p>13 Q. So let me -- let me ask you a little bit about 14 your previous trial or deposition experience. Have you 15 ever been deposed before?</p> <p>16 A. No.</p> <p>17 Q. Are you represented by counsel today?</p> <p>18 A. Yes.</p> <p>19 Q. And who is your counsel?</p> <p>20 MR. McKENZIE: Verbally.</p> <p>21 A. John.</p> <p>22 MR. McKENZIE: McKenzie.</p> <p>23 A. McKenzie.</p> <p>24 Q. (By Mr. Gear) Who, if anyone, have you spoken 25 with in preparation for the deposition today?</p>	<p style="text-align: center;">11</p> <p>1 present other than you and the attorneys from the AG's 2 office?</p> <p>3 A. My chief of staff was there.</p> <p>4 Q. And who is your chief of staff?</p> <p>5 A. Chris Sanchez.</p> <p>6 Q. Anyone else?</p> <p>7 A. No.</p> <p>8 Q. How much time did you spend preparing for the 9 deposition today?</p> <p>10 A. Oh, 30 minutes maybe.</p> <p>11 Q. Did you review documents in preparation for the 12 deposition?</p> <p>13 A. Yes.</p> <p>14 Q. What type of documents -- can you identify, 15 describe the types of documents that you reviewed in 16 preparation for your deposition?</p> <p>17 A. A printout of my videos on YouTube. My words 18 entered into the House journal, I read the House 19 journal. There was a bill, like a record vote bill that 20 I read.</p> <p>21 Q. Was that dealing with voter ID?</p> <p>22 A. It was -- it wasn't. It was dealing with 23 election judges. And then I read my web page, the 24 issues on my web page.</p> <p>25 Q. Okay. Let's talk about -- a little bit about</p>
<p style="text-align: center;">10</p> <p>1 A. John Brook.</p> <p>2 Q. You said, "John Brook?"</p> <p>3 A. No. John McKenzie.</p> <p>4 MR. McKENZIE: Don't know -- they don't know 5 who these people are, so if you can tell the office 6 where they're from.</p> <p>7 A. The office of the Attorney General. The office 8 of the Texas Attorney General.</p> <p>9 Q. Anyone else?</p> <p>10 A. No.</p> <p>11 Q. Are you aware that other legislators have been 12 deposed for this case?</p> <p>13 A. Yes.</p> <p>14 Q. Have you spoken to any of the other deponents in 15 this case about your deposition today?</p> <p>16 A. No.</p> <p>17 Q. Have you spoken to any other deponents about 18 their depositions?</p> <p>19 A. No.</p> <p>20 Q. So when you spoke with the attorneys of the AG's 21 office, when did you actually have this conversation?</p> <p>22 A. Weeks ago.</p> <p>23 Q. And where did the conversations take place?</p> <p>24 A. My capital office.</p> <p>25 Q. And during that conversation, was there anyone</p>	<p style="text-align: center;">12</p> <p>1 your YouTube videos. What -- you have YouTube videos. 2 Were those videos addressing the issue of voter ID?</p> <p>3 A. No. No.</p> <p>4 Q. Okay. Why did you feel the need to look at 5 YouTube videos?</p> <p>6 A. I was looking at all my videos.</p> <p>7 Q. Okay. Were you looking at them for the purpose 8 of determining if there was any issues of voter ID?</p> <p>9 A. Yes.</p> <p>10 Q. And do you remember the date of the House journal 11 that you reviewed?</p> <p>12 A. No, I don't.</p> <p>13 Q. And you spoke in this House journal?</p> <p>14 A. Yes.</p> <p>15 Q. And you said the other document that you reviewed 16 was record votes dealing with -- a record vote bill 17 dealing with election judges?</p> <p>18 A. Right.</p> <p>19 Q. Can -- can you describe what that document is?</p> <p>20 A. It was a bill by Representative Bonnen and had to 21 do with election judges. And I was reviewing the 22 history of the bill filed when it was in committee, 23 things like that.</p> <p>24 Q. And again, did that have anything to do with 25 voter ID?</p>



<p style="text-align: center;">13</p> <p>1 A. No.</p> <p>2 Q. Did it have anything to do with the rights of --</p> <p>3 and when you say "election judges," do you mean</p> <p>4 individuals who are hired and working in the polling</p> <p>5 places?</p> <p>6 A. Yes.</p> <p>7 Q. And does this have anything to do with the</p> <p>8 authority of the election judges in the polling places,</p> <p>9 the bill?</p> <p>10 A. No.</p> <p>11 Q. Can you tell me what, specifically, the record</p> <p>12 vote bill for election judges dealt with?</p> <p>13 A. The requirement to be an election judge.</p> <p>14 Q. What are the requirements to be an election</p> <p>15 judge?</p> <p>16 A. Boy, I'm not certain. By statute, you're asking</p> <p>17 by Texas statute?</p> <p>18 Q. Well, based on your review of the record vote</p> <p>19 bill dealing with election judges, can you tell me what</p> <p>20 the requirements are for being an election judge?</p> <p>21 A. That didn't address any previous or statutory</p> <p>22 requirement as it is now.</p> <p>23 Q. Okay. What did it address, specifically?</p> <p>24 A. It addressed the requirement to be a judge.</p> <p>25 Q. And why was that important for your review in</p>	<p style="text-align: center;">15</p> <p>1 give it to you. Do you know what this is?</p> <p>2 A. No.</p> <p>3 Q. Have you seen this document, reviewed this</p> <p>4 document before?</p> <p>5 A. No.</p> <p>6 Q. Were you aware that there was a request for you</p> <p>7 to search documents and communications within your</p> <p>8 office?</p> <p>9 A. Yes.</p> <p>10 Q. And did you conduct that search?</p> <p>11 A. No, sir.</p> <p>12 Q. You did not?</p> <p>13 A. No, sir.</p> <p>14 Q. When were you given the request to conduct a</p> <p>15 search for documents within your office?</p> <p>16 A. Weeks ago. I can't tell you.</p> <p>17 Q. And why did you not conduct a search for</p> <p>18 documents or communications within your office?</p> <p>19 A. My chief of staff did everything.</p> <p>20 Q. Okay. So when you said, "No, sir," you meant you</p> <p>21 did not conduct the search personally, but your chief of</p> <p>22 staff did?</p> <p>23 A. That is correct.</p> <p>24 Q. Are you aware of -- of whether your chief of</p> <p>25 staff received the -- the document which is titled 220</p>
<p style="text-align: center;">14</p> <p>1 preparation for this deposition?</p> <p>2 A. I kept that document because it has to do with a</p> <p>3 judge reading and writing English.</p> <p>4 Q. Okay. And as I understand it, under -- under</p> <p>5 Texas law, election judges are required to speak and --</p> <p>6 strike that. As I understand it, under Texas law,</p> <p>7 election judges are required to be able to speak both</p> <p>8 English and then those that are working as bilingual</p> <p>9 pole workers are required to speak both English and</p> <p>10 Spanish. Is that your understanding?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Fair enough.</p> <p>13 (Exhibit No. 220 was marked.)</p> <p>14 BY MR. GEAR:</p> <p>15 Q. I'm showing you what's been marked as Exhibit</p> <p>16 No. --</p> <p>17 MR. GEAR: I'm sorry. I passed it down that</p> <p>18 way.</p> <p>19 MR. McKENZIE: Oh, no. That's no problem.</p> <p>20 BY MR. GEAR:</p> <p>21 Q. Showing you what's been marked as Exhibit No.</p> <p>22 220. I'll give you chance to look at that. When you're</p> <p>23 done just let me know and we'll talk about it. I see</p> <p>24 you're still reviewing it, but let me ask you a few</p> <p>25 questions about it and if you need more time I'll gladly</p>	<p style="text-align: center;">16</p> <p>1 amended notice of deposition?</p> <p>2 A. I don't know.</p> <p>3 Q. Well, let's turn your attention to the page which</p> <p>4 indicates documents. I believe it's Page 5?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And specifically, I want to turn your attention</p> <p>7 to No. 1, which indicates "all documents and</p> <p>8 communications including, but not limited to those among</p> <p>9 and between your staff, other members of the Texas</p> <p>10 Legislature, the Texas Legislative Council and other</p> <p>11 Texas State executive offices and agencies concerning</p> <p>12 any or all reasons, justifications, rationals, interests</p> <p>13 or purposes for enacting SB 14." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And did you or your staff, and I believe you said</p> <p>16 your chief of staff, search for these documents?</p> <p>17 A. Yes.</p> <p>18 Q. Did he report back to you on his search for these</p> <p>19 documents?</p> <p>20 A. Yes.</p> <p>21 Q. And did you find documents, communications</p> <p>22 related to No. 1?</p> <p>23 A. My chief of staff did.</p> <p>24 Q. Okay. And did you produce those documents and</p> <p>25 turn those over to your attorney?</p>



<p style="text-align: center;">17</p> <p>1 A. My chief of staff did.</p> <p>2 Q. Can you tell me the types of communications or</p> <p>3 documents that you found related to No. 1?</p> <p>4 MR. McKENZIE: I'm just going to interpose a</p> <p>5 brief objection. When you say "type," don't go into</p> <p>6 content if it reveals personal thoughts, opinion,</p> <p>7 motivations of legislatures. But if you want to talk</p> <p>8 about "type" in terms of e-mails, letters, what type of</p> <p>9 document, you're free to answer the question.</p> <p>10 BY MR. GEAR:</p> <p>11 Q. I'm going to ask you to identify what documents</p> <p>12 were found by your chief of staff?</p> <p>13 A. I didn't review that book, other than one</p> <p>14 pass-through, a while ago.</p> <p>15 Q. And when you refer to "that book," what do you</p> <p>16 mean?</p> <p>17 A. Chris had put together a book for me and gave it</p> <p>18 to me. And I did a cursory, literally, flip through and</p> <p>19 just put it aside.</p> <p>20 Q. Did it break out the communications or documents</p> <p>21 by number or was it just simply a book with -- with</p> <p>22 documents that were found by your chief of staff?</p> <p>23 A. Just a book with documents.</p> <p>24 Q. Okay. And I guess, for the record, were those</p> <p>25 documents in the book in response to the amended notice</p>	<p style="text-align: center;">19</p> <p>1 A. Yes.</p> <p>2 Q. And you were present during that testimony?</p> <p>3 A. Yes.</p> <p>4 Q. And as I understand it, the Secretary of State</p> <p>5 testified that there were approximately 605,000</p> <p>6 registered voters in Texas that may not possess one of</p> <p>7 the allowable forms of ID under the -- under SB 14?</p> <p>8 A. That's my understanding of testimony, yes.</p> <p>9 Q. That 605,000 was 605,000 or more according to the</p> <p>10 Secretary of State?</p> <p>11 A. I don't know that to be true.</p> <p>12 Q. Okay. Did you have an occasion after that</p> <p>13 testimony to learn that the 605,000 may actually be more</p> <p>14 than 605,000?</p> <p>15 A. No.</p> <p>16 MR. McKENZIE: I'm going to object to</p> <p>17 legislative privilege to the extent it asks you to</p> <p>18 express your personal opinions, thoughts, impressions.</p> <p>19 THE WITNESS: Okay.</p> <p>20 BY MR. GEAR:</p> <p>21 Q. Okay. So what I'm asking you is, are you aware</p> <p>22 of any communication after the Secretary of State's</p> <p>23 testimony that would have identified that this 605,000</p> <p>24 voters in the State of Texas who may not have the</p> <p>25 allowable forms of ID under SB 14, are you aware that</p>
<p style="text-align: center;">18</p> <p>1 of deposition?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. About how many documents would you say</p> <p>4 were in the book?</p> <p>5 A. Less than ten.</p> <p>6 Q. I want to turn your attention to No. 5 on the</p> <p>7 next page. And if you could read that quickly for me?</p> <p>8 A. I'm done.</p> <p>9 Q. And this relates to any calculations, reports</p> <p>10 audits, estimates, assessments or other analysis of the</p> <p>11 effect that SB 14 will impose upon minority voters. Did</p> <p>12 you produce or your chief of staff produce any documents</p> <p>13 related to No. 5?</p> <p>14 A. Not anything official from anybody. Not like a</p> <p>15 report or numbers that came from any place at all.</p> <p>16 We -- what we talked about was the 605,000 number from</p> <p>17 the Texas Secretary of State. Chris and I talked about</p> <p>18 that number.</p> <p>19 Q. And when you say "Chris," who are you referring</p> <p>20 to?</p> <p>21 A. Sanchez, chief of staff.</p> <p>22 Q. So let's just talk about that 605,000 number for</p> <p>23 just a second. That was testimony from the Secretary of</p> <p>24 State's office that was given during the legislative</p> <p>25 debate on SB 14?</p>	<p style="text-align: center;">20</p> <p>1 this number actually may be higher?</p> <p>2 A. No.</p> <p>3 Q. All right. I want to turn your attention to No.</p> <p>4 6. "All documents and communications between you, your</p> <p>5 office and members of the public, private organizations</p> <p>6 and governmental entities related to SB 14 or SB 362,</p> <p>7 the 81st Legislature, HB 218, the 80th Legislature, or</p> <p>8 HB 1706, the 79th Legislature." Did you or your chief</p> <p>9 of staff find any documents responsive to No. 6?</p> <p>10 A. I'm not familiar with that.</p> <p>11 Q. You're not familiar with whether or not --</p> <p>12 A. I don't know if he -- well, I was not in office</p> <p>13 for one, two, three of those bills.</p> <p>14 Q. Okay. So let me -- let me break this down for</p> <p>15 you, then, so the record is clear. Did you find any</p> <p>16 documents in response to -- and when I say documents,</p> <p>17 documents or communication in response to SB 14 or --</p> <p>18 let's start there, SB 14?</p> <p>19 A. Yes.</p> <p>20 Q. And did you find any documents, and "you" meaning</p> <p>21 you or your chief of staff or anyone else in your</p> <p>22 office, find any documents or communications related to</p> <p>23 SB 362 which is from the 81st Legislature?</p> <p>24 A. No.</p> <p>25 Q. Did you or anyone within your office find any</p>



<p style="text-align: center;">21</p> <p>1 documents or communication related to HB 218, the 80th 2 Legislature? 3 A. No. 4 Q. And finally, did you or anyone in your office 5 find any documents or communication related to HB 1706, 6 the 79th Legislature? 7 A. No. 8 Q. And you indicated that you were not present 9 during some of these bills and now, you gave a number, 10 which I don't remember as we sit here. But can you tell 11 me which time period you were present when looking at 12 No. 6. Was it SB 14, 262 or 1706? 13 A. I was an elected member during SB 14. 14 Q. And you were elected in 2010? 15 A. Yes, sir. 16 Q. All right. I want to turn your attention to 17 No. 8. All public statements you or your staff have 18 made about SB 14 or SB 362, 81st Legislature, HB 218, 19 80th Legislature, HB 1706, the 79th Legislature for 20 photo voter identification. And did you produce or your 21 staff members produce any documents responsive to No. 8? 22 A. Yes. 23 Q. And can you describe what was produced in 24 response to No. 8? 25 MR. McKENZIE: I'm going to the object to</p>	<p style="text-align: center;">23</p> <p>1 A. I couldn't give you a general number. 2 Q. Okay. Well, do you recall the public statements 3 that you made in reference to SB 14? 4 A. Yes. 5 Q. And do you recall how those public statements 6 were made? 7 A. House journal. 8 Q. Newspaper? 9 A. I don't think newspaper. House journal and then 10 a TV interview. That's what -- yeah, TV. 11 Q. Do you recall when you gave that TV interview? 12 A. No. 13 Q. Was that TV interview in reference to SB 14 voter 14 ID? 15 A. Yes. 16 Q. And the House journal was in reference to a floor 17 debate referencing SB 14? 18 A. Yes. 19 Q. All right. Let me ask you a few questions. As a 20 House member, are you asserting or invoking any type of 21 privilege today? 22 A. Yes. 23 Q. What type of privilege are you invoking? 24 A. Legislative privilege. 25 Q. Can you tell me, is there any other type of</p>
<p style="text-align: center;">22</p> <p>1 the extent it reflects your personal opinions, mental 2 impressions, thoughts about legislation. You can answer 3 to the extent it reflects public record or general 4 legislative purposes. 5 A. Can you ask that again for me? 6 Q. (By Mr. Gear) Well, let me just break it out 7 for you -- 8 A. Okay. 9 Q. Just to make it clear. Did you produce any 10 public statements in response to paragraph 8? 11 A. Yes. 12 Q. And were those in response to SB 14? 13 A. Yes. 14 Q. So let's talk about those public statements 15 that -- that you produced in response to No. 8. How 16 many -- how many communications did you produce? 17 A. No idea. 18 Q. Well, you started off by saying you produced less 19 than ten total in response to all of these, correct? 20 A. Yes. 21 Q. So can you give me a general number of how many 22 of those were public statements made by you in reference 23 to SB 14? 24 A. General number? 25 Q. General number is fine.</p>	<p style="text-align: center;">24</p> <p>1 privilege that you're invoking today? 2 A. No. 3 Q. Have you asserted any privileges over documents 4 or other materials of yours or other staff members 5 possession that relate to voter identification 6 legislation? 7 A. I'm sorry. Any other documents? 8 Q. Have you asserted any documents, any privilege 9 over any documents, and I'm talking about legislative 10 privilege over any documents that are in your 11 possession, custody or control or the possession, 12 custody or control of your staff? 13 A. Yes. 14 Q. Can you tell me, generally, out of the ten 15 documents how many of those you asserted privilege over? 16 A. No. 17 Q. Did you specifically identify the documents that 18 you wanted to assert privilege over? 19 A. No. I guess I'm -- 20 MR. McKENZIE: Well, I'm going to object to 21 the extent it calls for attorney/client privilege and to 22 the extent you consulted with attorneys to determine 23 which documents may or may not have been legislative 24 privilege. 25 BY MR. GEAR:</p>



<p style="text-align: center;">25</p> <p>1 Q. Do you realize that you hold the ability to</p> <p>2 assert your privilege or not to assert your privilege?</p> <p>3 A. Yes.</p> <p>4 Q. And are you continuing to assert your privilege,</p> <p>5 legislative privilege over -- over this deposition</p> <p>6 today?</p> <p>7 A. Yes.</p> <p>8 Q. And are you willing to waive your privilege at</p> <p>9 any point during our questioning during the deposition</p> <p>10 today?</p> <p>11 A. No.</p> <p>12 Q. Where were you born and raised?</p> <p>13 A. I was born in Houston, Texas. And I was raised</p> <p>14 in Alvin, Texas.</p> <p>15 Q. And can you describe your educational background</p> <p>16 for me?</p> <p>17 A. Sure. Public school, community college, the</p> <p>18 University of Texas at Austin for an undergraduate</p> <p>19 degree. And then Texas State University for a Master's</p> <p>20 degree, which I'm three hours -- or nine hours short.</p> <p>21 Q. What was your undergraduate degree in?</p> <p>22 A. Government.</p> <p>23 Q. And what's your -- what's the focus of your</p> <p>24 Master's degree?</p> <p>25 A. Public administration.</p>	<p style="text-align: center;">27</p> <p>1 Q. Have you ever had any communications of any kind</p> <p>2 with this organization?</p> <p>3 A. No.</p> <p>4 Q. Have you ever introduced any bill language in the</p> <p>5 House related to voter identification from this</p> <p>6 organization?</p> <p>7 A. No. And just to be clear, I have the name right,</p> <p>8 we're talking about ALEC, right, A-L-E-C?</p> <p>9 Q. Yes.</p> <p>10 A. No.</p> <p>11 Q. Did you communicate with ALEC at any time during</p> <p>12 the legislative debate pertaining to SB 14?</p> <p>13 A. No.</p> <p>14 Q. Are you a member of the Hispanic Republican</p> <p>15 Conference?</p> <p>16 A. Yes.</p> <p>17 Q. When did you join?</p> <p>18 A. At the beginning of session, I guess.</p> <p>19 Q. So and -- is that -- would it be accurate to say</p> <p>20 that's when the organization was actually created?</p> <p>21 A. Yes.</p> <p>22 Q. And who was the founder or who is the founder of</p> <p>23 that organization?</p> <p>24 A. Aaron Pena.</p> <p>25 Q. And do you know what the Mission statement of</p>
<p style="text-align: center;">26</p> <p>1 Q. Are you currently a member of any community</p> <p>2 organizations or groups?</p> <p>3 A. Yes.</p> <p>4 Q. Which community organizations or groups?</p> <p>5 A. The Round Rock Chamber of Commerce, the Texas</p> <p>6 State Advisory Counsel, probably a PTA or two I'm sure</p> <p>7 from parents night. I think I'm still on the rolls for</p> <p>8 EI AMISTAD Club.</p> <p>9 REPORTER: The what?</p> <p>10 WITNESS: EI AMISTAD, A-M-I-S-T-A-D.</p> <p>11 BY MR. GEAR:</p> <p>12 Q. And what is that?</p> <p>13 A. A civic organization in Round Rock. And that's</p> <p>14 all I can think of right now.</p> <p>15 Q. Are you a member of the Mexican Legislative</p> <p>16 Exchange Counsel?</p> <p>17 A. Mexican American.</p> <p>18 Q. Let me do that again. I'm sorry. Are you a</p> <p>19 member of the American Legislative Exchange Counsel?</p> <p>20 A. I've never like paid or gone. I don't know if</p> <p>21 we're automatically a part of it. But I have never made</p> <p>22 an effort to join or send them dues or attend a meeting.</p> <p>23 Q. So you have never participated in any of their</p> <p>24 conferences or meetings?</p> <p>25 A. No.</p>	<p style="text-align: center;">28</p> <p>1 this organization is?</p> <p>2 A. I don't.</p> <p>3 Q. Why did you join?</p> <p>4 A. I joined because there were six of us who wanted</p> <p>5 to show some solidarity as Hispanic Republicans.</p> <p>6 Q. And can you name the six that are original</p> <p>7 founders of the membership?</p> <p>8 A. Aaron Pena, Jose Aliseda, Raul Torres, John</p> <p>9 Garza, Dee Margo and myself.</p> <p>10 Q. And all six, are they Republicans?</p> <p>11 A. Yes.</p> <p>12 Q. All six, did they vote in support of SB 14?</p> <p>13 A. I don't know for sure, but -- I don't know for</p> <p>14 sure.</p> <p>15 Q. As -- as an organization, Hispanic Republican</p> <p>16 Conference, did you have discussions regarding SB 14?</p> <p>17 MR. McKENZIE: I'm going to object to the</p> <p>18 extent it calls for communications among legislators</p> <p>19 that are not public record that reflect individual</p> <p>20 motive or purpose. You may answer as to general purpose</p> <p>21 and to the public record.</p> <p>22 BY MR. GEAR:</p> <p>23 Q. And just to be clear, I'm asking you in -- in</p> <p>24 reference to your membership in an organization, the</p> <p>25 Hispanic Republican Conference. I'm asking you in</p>



<p style="text-align: center;">29</p> <p>1 reference to that, did you have discussions specific to</p> <p>2 SB 14?</p> <p>3 MR. McKENZIE: Same instruction. You can</p> <p>4 answer if you had discussions. The content of the</p> <p>5 discussions would be privileged, actually.</p> <p>6 A. Of course. At some point, yes, but I can't</p> <p>7 recall for sure. I wasn't very active in that group.</p> <p>8 Q. (By Mr. Gear) Well, let's try to make this a</p> <p>9 little clearer for the record. You said, "at some</p> <p>10 point," do you recall when this conversation took place?</p> <p>11 A. Oh, no.</p> <p>12 Q. Do you recall -- do you recall where this</p> <p>13 conversation took place?</p> <p>14 A. No.</p> <p>15 Q. Do you recall who was present during this</p> <p>16 conversation?</p> <p>17 A. No.</p> <p>18 Q. Well, it would have been members of the Hispanic</p> <p>19 Republican Conference, correct, that were present?</p> <p>20 A. I didn't go but to, maybe one or two meetings.</p> <p>21 Q. So during those one or two meetings, did you</p> <p>22 discuss voter ID issues at both?</p> <p>23 A. No.</p> <p>24 Q. At one of them, then, as -- as I understand your</p> <p>25 testimony?</p>	<p style="text-align: center;">31</p> <p>1 clear, can you tell me when this individual meeting</p> <p>2 occurred?</p> <p>3 A. During the debate.</p> <p>4 Q. And which debate are we talking about, what date,</p> <p>5 if you remember?</p> <p>6 A. It would be the second reading debate. Whatever</p> <p>7 second reading was. Whatever the day that was. The day</p> <p>8 of the House journal entry.</p> <p>9 Q. Would it be in March of 2011?</p> <p>10 A. I don't know the day of the House entry, whatever</p> <p>11 that day is.</p> <p>12 Q. 2011?</p> <p>13 A. 2011, yeah.</p> <p>14 Q. Okay. Can you tell me who else, if anyone else</p> <p>15 was present during your individual meeting with</p> <p>16 Representative Pena?</p> <p>17 A. Nobody.</p> <p>18 Q. And can you tell me what the substance of the</p> <p>19 that conversation was?</p> <p>20 MR. McKENZIE: Objection to the extent it</p> <p>21 calls for legislative communications that aren't public</p> <p>22 or purpose that are private and not public. You may</p> <p>23 answer as a general purpose.</p> <p>24 BY MR. GEAR:</p> <p>25 Q. You can answer.</p>
<p style="text-align: center;">30</p> <p>1 A. One was organizational. That was the set up,</p> <p>2 organizational. And the other one -- I don't know what</p> <p>3 we were talking about at that deal. I didn't stay very</p> <p>4 long.</p> <p>5 Q. Let me just -- tell me if I misunderstood your</p> <p>6 testimony. You testified that as a member of the</p> <p>7 Hispanic Republican Conference, you engaged in a</p> <p>8 communication regarding voter ID related to SB 14. Is</p> <p>9 that accurate?</p> <p>10 A. I don't specifically recall sitting down and</p> <p>11 having a discussion on Senate Bill 14.</p> <p>12 Q. Do you recall having this discussion with any of</p> <p>13 the members that you testified here to today?</p> <p>14 A. Not in the context of HRC. See I'm thinking HRC,</p> <p>15 like the group, the entity. Is that what you're asking</p> <p>16 about?</p> <p>17 Q. Yes.</p> <p>18 A. Okay. As a group -- as a group we discussed</p> <p>19 it -- not as a group, as individuals we discussed it on</p> <p>20 the day it was on the House floor.</p> <p>21 Q. And that was during the public legislative</p> <p>22 debate?</p> <p>23 A. That's correct.</p> <p>24 Q. And so during that public debate, can you tell me</p> <p>25 did you meet with Representative Pena? And so we're</p>	<p style="text-align: center;">32</p> <p>1 A. It was just me and Aaron. What was your question</p> <p>2 again?</p> <p>3 Q. The question was the substance of the</p> <p>4 conversation that you had with Representative Pena?</p> <p>5 MR. McKENZIE: You may answer as it</p> <p>6 references matters of public record, but if it is not</p> <p>7 matter of public record, I would instruct you not to</p> <p>8 answer or if it reflects general legislative purpose.</p> <p>9 BY MR. GEAR:</p> <p>10 Q. Are you refusing to answer the question?</p> <p>11 A. I'm not going to answer that one.</p> <p>12 Q. Are you following the advice of your counsel?</p> <p>13 A. Yes.</p> <p>14 Q. Let me ask you, the discussion which you've</p> <p>15 identified as related to SB 14, did you use that -- part</p> <p>16 of that private discussion to present any public</p> <p>17 information during the debate?</p> <p>18 A. No.</p> <p>19 Q. So as I understand it, your conversation with</p> <p>20 Representative Pena was not advanced publicly in any of</p> <p>21 the debate that took place on the floor?</p> <p>22 A. If I understand, "advance publicly," what does</p> <p>23 that mean?</p> <p>24 Q. "Advance publicly," as did you speak about a</p> <p>25 subject related to SB 14 and did you talk about that</p>



<p style="text-align: center;">33</p> <p>1 subject on the mic, publicly on the floor?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So when you went to the mic and you spoke</p> <p>4 publicly, what was the subject matter of your</p> <p>5 discussion?</p> <p>6 A. When, timing, when, if we were going to -- same</p> <p>7 thing.</p> <p>8 Q. You're -- you're providing testimony. I'm trying</p> <p>9 to understand what you know?</p> <p>10 A. Right.</p> <p>11 Q. So if you could give me some detail on what</p> <p>12 you're talking about that would be helpful?</p> <p>13 A. Well, the substance of it, I think I'm not going</p> <p>14 to say anything on the substance.</p> <p>15 Q. Well, again, you're at -- as I understand it, you</p> <p>16 went to the microphone and you -- you spoke on the mic,</p> <p>17 on the floor which is part of the public record?</p> <p>18 A. Right.</p> <p>19 Q. So I'm asking you, what did you say when you went</p> <p>20 to the mic?</p> <p>21 A. Oh, I don't know. It's in the journals that I</p> <p>22 don't have on me. But it's that journal from the pages</p> <p>23 we discussed earlier.</p> <p>24 Q. Okay.</p> <p>25 A. That's what I said.</p>	<p style="text-align: center;">35</p> <p>1 privilege over that. So to the extent you're speaking</p> <p>2 about what you said on the mic. You can talk generally</p> <p>3 about what you remember about what you said on the mic.</p> <p>4 But the private conversations are privileged.</p> <p>5 A. It's all House journal.</p> <p>6 Q. (By Mr. Gear) Okay. But I'm -- I'm just asking</p> <p>7 you generally, when you said "the timing for when and</p> <p>8 what". I'm just trying to understand what that means.</p> <p>9 And then I -- then we can move on. But if you tell me</p> <p>10 what the timing for "when" means, we can move on?</p> <p>11 A. Thought I already answered that. It's the</p> <p>12 questions that were asked on the mic publicly, that's</p> <p>13 what I was -- that's what I asked Patricia Harless.</p> <p>14 Q. Okay.</p> <p>15 A. And as I stated previously, I was going to ask</p> <p>16 those questions much later in the day.</p> <p>17 Q. Okay. So was that a choreographed presentation</p> <p>18 on the microphone?</p> <p>19 MR. McKENZIE: Objection to the extent it</p> <p>20 calls for private communications with you and a</p> <p>21 legislator. You may answer to the extent it reflects</p> <p>22 the public record.</p> <p>23 A. I'll take that right.</p> <p>24 THE REPORTER: Say that again.</p> <p>25 THE WITNESS: Oh, I'll invoke that right.</p>
<p style="text-align: center;">34</p> <p>1 Q. We'll get to that, but you said it was about</p> <p>2 timing and when and I'm trying to understand your</p> <p>3 testimony. What do you mean by that?</p> <p>4 A. Well, that -- it's a long debate. And that I</p> <p>5 would -- I would tell -- or ask the questions of</p> <p>6 Representative Harless, the public questions that I</p> <p>7 would ask it much later in the day.</p> <p>8 Q. So the questions that you asked of Representative</p> <p>9 Harless, that was a subject that you discussed with</p> <p>10 Representative Pena?</p> <p>11 A. No.</p> <p>12 Q. Well, again, I'm trying to understand your</p> <p>13 testimony. And forgive me if I'm asking. You had an</p> <p>14 individual meeting with Representative Pena on the</p> <p>15 floor, correct?</p> <p>16 A. Yes.</p> <p>17 Q. You then went to the mic and you spoke on the</p> <p>18 record and you indicated that the subject matter was the</p> <p>19 timing or when, correct?</p> <p>20 A. Uh-huh.</p> <p>21 Q. The timing or when for what?</p> <p>22 MR. McKENZIE: I'm just going to object.</p> <p>23 You can say what you said on the public record. The</p> <p>24 private conversations you had with Aaron Pena are, from</p> <p>25 what I understand, you're asserting legislative</p>	<p style="text-align: center;">36</p> <p>1 BY MR. GEAR:</p> <p>2 Q. Are you following the advice of your counsel and</p> <p>3 refusing to answer the question?</p> <p>4 A. Yes.</p> <p>5 Q. You also indicated that you had a meeting with</p> <p>6 Mr. Aliseda on the floor; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And can you tell me when that meeting took place?</p> <p>9 A. The date that the second reading of the bill was.</p> <p>10 Q. Around the same time you spoke to Representative</p> <p>11 Pena?</p> <p>12 A. Yes.</p> <p>13 Q. And would that also be true for Representative</p> <p>14 Torres -- is it Garza?</p> <p>15 A. Garza.</p> <p>16 Q. And -- and what was the last name again? Is it</p> <p>17 Marango?</p> <p>18 A. Margo.</p> <p>19 Q. Margo. Thank you. Did you have a meeting with</p> <p>20 each of these individuals prior to taking the microphone</p> <p>21 on the date that the legislative debate took place?</p> <p>22 A. Not all of them.</p> <p>23 Q. Okay. So which ones did you not meet with on</p> <p>24 that day?</p> <p>25 A. Dee Margo.</p>



<p style="text-align: center;">37</p> <p>1 Q. And Dee Margo is a representative?</p> <p>2 A. He is.</p> <p>3 Q. And can you tell me when you met with Dee Margo?</p> <p>4 A. Well, I didn't. The question you asked me is</p> <p>5 which one of these I did not meet with. Isn't that what</p> <p>6 you asked me?</p> <p>7 Q. Yes, but did you meet with Dee Margo regarding SB</p> <p>8 14?</p> <p>9 A. No.</p> <p>10 Q. Okay. Thank you. Did the Texas Conservative</p> <p>11 Coalition as an organization have any communication with</p> <p>12 any House member regarding voter identification?</p> <p>13 MR. McKENZIE: Objection, it may call for</p> <p>14 speculation. Go ahead.</p> <p>15 A. I don't recall seeing anything.</p> <p>16 Q. (By Mr. Gear) Are you a member of the Mexican</p> <p>17 American Legislative Caucus?</p> <p>18 A. Yes.</p> <p>19 Q. When did you join that organization?</p> <p>20 A. At the very beginning of session.</p> <p>21 Q. And do you know, is there a Mission statement for</p> <p>22 the Mexican American Legislative Caucus?</p> <p>23 A. I'm not aware.</p> <p>24 Q. Do you know if they addressed, publicly, issues</p> <p>25 regarding to voter ID?</p>	<p style="text-align: center;">39</p> <p>1 property rights were the big ones. Second amendment</p> <p>2 rights, transportation, we talk about voter ID. I'm not</p> <p>3 sure what else. I'm not sure what else. I was trying</p> <p>4 to visualize my website.</p> <p>5 Q. Sure.</p> <p>6 A. I can't remember what else is on there.</p> <p>7 Q. So let's focus on voter ID. That was a campaign</p> <p>8 issue in 2010?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Can you tell me the position you took on voter</p> <p>11 ID?</p> <p>12 A. Yes, that I was -- would be supportive.</p> <p>13 Q. Why were you supportive of voter ID in 2010?</p> <p>14 MR. McKENZIE: Objection to the extent it</p> <p>15 calls for legislative privilege.</p> <p>16 MR. GEAR: He's not a member of the House in</p> <p>17 2010. So I'm asking him during his campaign, why did he</p> <p>18 take the position to support voter ID. I don't know</p> <p>19 where that would be privileged.</p> <p>20 MR. McKENZIE: It's still -- with respect,</p> <p>21 it still could reflect his private deliberations prior</p> <p>22 to thought. But you may answer as to anything that's in</p> <p>23 your campaign, anything that's public. But to the</p> <p>24 extent it doesn't reflect your thoughts before the bill,</p> <p>25 then you're open to answer that, too.</p>
<p style="text-align: center;">38</p> <p>1 A. I'm not aware.</p> <p>2 Q. Do you hold a position in the Mexican American</p> <p>3 Legislative Caucus?</p> <p>4 A. No.</p> <p>5 Q. Did the Mexican American Legislative Caucus have</p> <p>6 any communication with any House members regarding voter</p> <p>7 identification?</p> <p>8 MR. McKENZIE: Objection to the extent it</p> <p>9 calls for private communications that are not public</p> <p>10 among legislatures. You may answer as to public record</p> <p>11 and legislative purpose.</p> <p>12 A. I'm not aware.</p> <p>13 Q. (By Mr. Gear) Well, let's talk about publicly</p> <p>14 first. Did they issue any public report or</p> <p>15 communication regarding voter ID?</p> <p>16 A. I'm not aware.</p> <p>17 Q. Did you engage or -- excuse me. Did the Mexican</p> <p>18 American Legislative Caucus engage in any private</p> <p>19 communications regarding voter ID?</p> <p>20 A. I'm not aware.</p> <p>21 Q. You indicated that you were elected in 2010?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And during 2010, can you tell me what your</p> <p>24 campaign issues were?</p> <p>25 A. Oh, man. Public education, higher education,</p>	<p style="text-align: center;">40</p> <p>1 BY MR. GEAR:</p> <p>2 Q. Again, I'm focusing solely on your campaign in</p> <p>3 2010. And your position that you are a supporter of</p> <p>4 SB 14 or voter ID, more specifically. Can you tell me</p> <p>5 why you took the position to support voter ID?</p> <p>6 A. As stated on my website.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah. Which is public record. The -- it was</p> <p>9 protect the integrity of the elections process and to</p> <p>10 instill confidence in the voters.</p> <p>11 Q. And that's your current website, correct?</p> <p>12 A. I haven't seen it in a while, but...</p> <p>13 Q. So moving away from your website, I want to know</p> <p>14 personally as an individual why you made the</p> <p>15 determination to support voter ID?</p> <p>16 MR. McKENZIE: Same instructions, answer to</p> <p>17 the extent it doesn't reflect your thoughts as a</p> <p>18 legislator.</p> <p>19 BY MR. GEAR:</p> <p>20 Q. And again this is before you became a legislator?</p> <p>21 A. Uh-huh. It's on the website.</p> <p>22 Q. I'm not asking you about your website. I'm</p> <p>23 asking about your personal opinion, your personal</p> <p>24 decision to support voter ID?</p> <p>25 MR. McKENZIE: I'm going to object on</p>



<p style="text-align: center;">41</p> <p>1 relevance. Go ahead.</p> <p>2 A. It's -- it's clearly in writing on the website.</p> <p>3 You're asking me to -- or it was. I haven't seen the</p> <p>4 website in a while. I haven't looked at it in a while.</p> <p>5 Q. (By Mr. Gear) Did you as an individual conduct</p> <p>6 any analysis to determine the impact of voter ID prior</p> <p>7 to becoming a legislator?</p> <p>8 A. No.</p> <p>9 Q. Did you engage in any communications regarding</p> <p>10 voter ID prior to becoming a legislator that helped</p> <p>11 determine your position on voter ID?</p> <p>12 A. No.</p> <p>13 Q. Did you communicate with community members</p> <p>14 regarding voter ID prior to becoming a legislator?</p> <p>15 A. No -- yeah, yeah.</p> <p>16 Q. And when did those communications take place?</p> <p>17 A. No idea.</p> <p>18 Q. Was it in terms of your campaign?</p> <p>19 A. Campaign.</p> <p>20 Q. Can you tell me what the general concerns were</p> <p>21 regarding voter ID that you heard from community</p> <p>22 members?</p> <p>23 A. Oh, different people expressed all kinds of</p> <p>24 different reasons. I mean, there's just -- everybody</p> <p>25 has their opinion. We heard -- we heard from a lot of</p>	<p style="text-align: center;">43</p> <p>1 the impact or the effect of voter ID on minority voters?</p> <p>2 A. I don't know any specific time or -- I mean, I</p> <p>3 just don't recall.</p> <p>4 Q. And so specifically, what did people tell you</p> <p>5 regarding voter ID?</p> <p>6 A. Just -- I don't -- you know, that they were</p> <p>7 supportive. That if you -- they wanted people who voted</p> <p>8 to produce an ID. That's what they wanted.</p> <p>9 Q. And as I understand it, not all people told you</p> <p>10 that they were supportive of voter ID; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And so the people that -- that told you that they</p> <p>13 were not supportive of voter ID, what were their</p> <p>14 concerns or what did they express to you?</p> <p>15 A. Oh, let me think. Some of my guys -- some of the</p> <p>16 guys there -- some of the community members, I can't --</p> <p>17 I can't quote them. I can't possibly put it in words</p> <p>18 what, you know, specifically what they were saying.</p> <p>19 Q. So you remember what the supporters were saying,</p> <p>20 but you don't remember what the concerns were?</p> <p>21 A. Yeah. The concerns -- very, very few where I</p> <p>22 live. We heard concerns on a lot of other issues not</p> <p>23 related to voter ID.</p> <p>24 Q. And I want to focus solely on voter ID right now?</p> <p>25 A. Right. I can't recall.</p>
<p style="text-align: center;">42</p> <p>1 people different issues.</p> <p>2 Q. Did you hear people express support for voter ID?</p> <p>3 A. Yes.</p> <p>4 Q. Did you hear people express concern or opposition</p> <p>5 to voter ID?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have an occasion the speak with</p> <p>8 legislators prior to becoming a legislator yourself</p> <p>9 regarding the issues of voter ID?</p> <p>10 A. No.</p> <p>11 Q. Okay. And can you tell me what formed the basis,</p> <p>12 beyond the communication that you had with individuals</p> <p>13 in the community, that formed the basis of your opinion</p> <p>14 on voter ID?</p> <p>15 A. That my constituents --</p> <p>16 Q. Well, you don't have constituents at that point,</p> <p>17 correct? You're campaigning.</p> <p>18 A. That the citizens, that my community weren't --</p> <p>19 weren't supportive -- I mean, were supportive.</p> <p>20 Q. Some of the concerns that you heard, did any of</p> <p>21 them also include that this would have a -- a</p> <p>22 disproportionate impact on minority voters from</p> <p>23 community members?</p> <p>24 A. No.</p> <p>25 Q. So you didn't hear anyone express concern about</p>	<p style="text-align: center;">44</p> <p>1 Q. Was there any discussion about what problems --</p> <p>2 what specific problems voter ID was intended to address?</p> <p>3 A. Most conversation was just -- kind of the quote I</p> <p>4 use over and over again was "prove who you are," just</p> <p>5 show an ID that you are who you say you are. That's</p> <p>6 just what we heard, that's what the people said during</p> <p>7 the campaign.</p> <p>8 Q. Did community members also express concern about</p> <p>9 undocumented non-citizens or illegal aliens voting?</p> <p>10 A. No. No.</p> <p>11 Q. And you said "where you live." Where</p> <p>12 specifically do you live?</p> <p>13 A. I live in Williamson County.</p> <p>14 Q. Williamson County.</p> <p>15 A. Right.</p> <p>16 Q. And can you tell me what the demographics of</p> <p>17 Williamson County are?</p> <p>18 A. No.</p> <p>19 Q. In terms of Black or Hispanic?</p> <p>20 A. No.</p> <p>21 Q. Can you tell me what the percentage specifically</p> <p>22 of Hispanic population is?</p> <p>23 A. No.</p> <p>24 Q. In Williamson County?</p> <p>25 A. No.</p>



<p style="text-align: center;">45</p> <p>1 Q. Have you ever attempted to determine that?</p> <p>2 A. No.</p> <p>3 Q. My understanding is -- strike that. When</p> <p>4 speaking with the people who expressed concern against</p> <p>5 voter ID, did they express any specific problem that</p> <p>6 voter ID may cause?</p> <p>7 A. Not that I recall.</p> <p>8 Q. My understanding that you -- is that you are</p> <p>9 currently campaigning in House District 52?</p> <p>10 A. I'm up for reelection.</p> <p>11 Q. Does that mean you're campaigning? I don't want</p> <p>12 to put words in your mouth so tell me how you would</p> <p>13 describe it?</p> <p>14 A. Oh, I mean, I'm on the ballot, but I'm up for</p> <p>15 reelection. Campaigning, we sent out a mail piece.</p> <p>16 But, you know.</p> <p>17 Q. You're running for reelection?</p> <p>18 A. We're running for reelection.</p> <p>19 Q. But you're unopposed?</p> <p>20 A. I'm unopposed.</p> <p>21 Q. Okay.</p> <p>22 A. Well, I have a Libertarian, but there's not a</p> <p>23 Democrat. So we're not unopposed.</p> <p>24 Q. Thanks for the clarification.</p> <p>25 A. Sure.</p>	<p style="text-align: center;">47</p> <p>1 is John Otto, 2009 --</p> <p>2 Q. So you said '05 through '07 is John Otto?</p> <p>3 A. Yes. Yes. 2009 is the Texas State University</p> <p>4 System and then elected 2011.</p> <p>5 Q. Okay. So let me break that out. John Cornyn, is</p> <p>6 he with the House of Representatives?</p> <p>7 A. No. He was, at that time, serving as our Texas</p> <p>8 Attorney General.</p> <p>9 Q. Okay. So let me just focus primarily right now</p> <p>10 on the House. Can you -- can you go through again who</p> <p>11 hired you in the House solely?</p> <p>12 A. Oh, okay. So 1993 Jim Pitts. 1995 Kevin Brady,</p> <p>13 1997 Wayne Christian, 2005 John Otto, 2007 John Otto and</p> <p>14 in the interim of '93 was Huey McCoulskey. I forgot</p> <p>15 about Huey. Huey McCoulskey.</p> <p>16 Q. Okay. So let's just start with, I believe you</p> <p>17 said Jim Pitts was the first House member that hired</p> <p>18 you, correct?</p> <p>19 A. Let's back up. Let's go to -- I forgot Tim Von</p> <p>20 Dohlen. I was an intern, so there might be paperwork</p> <p>21 for Tim Von Dohlen. I'm not certain. But Tim never</p> <p>22 paid me. Tim Von Dohlen. That would be '92.</p> <p>23 Q. And Tim was a Representative?</p> <p>24 A. Yes. Yes. Tim Von Dohlen in '92.</p> <p>25 Q. So as I understand it you've been in the House as</p>
<p style="text-align: center;">46</p> <p>1 Q. Let me ask you a question about your history of</p> <p>2 participation in government outside of your elected</p> <p>3 office. Can you tell me a little bit about that?</p> <p>4 A. Sure. I've been employed -- you're asking about</p> <p>5 government, right?</p> <p>6 Q. Yes.</p> <p>7 A. Okay. Sure. I've been employed by the House.</p> <p>8 I've been employed by the Senate. I've been employed by</p> <p>9 the Attorney General's office. I've been employed by</p> <p>10 Texas State University system. And Texas State.</p> <p>11 Q. You indicated that you were appointed by the</p> <p>12 House. So does that mean that you were appointed by</p> <p>13 specific House members?</p> <p>14 A. I'm not appointed. I worked -- I work with the</p> <p>15 House.</p> <p>16 Q. Okay. You were hired?</p> <p>17 A. Yes.</p> <p>18 Q. By members of the House. Okay. Can you tell me</p> <p>19 which members of the House you were hired by?</p> <p>20 A. Sure. I'll start in -- with Pitts, that's Jim</p> <p>21 Pitts. And by Kevin Brady.</p> <p>22 Q. If you can give me the time frame?</p> <p>23 A. Okay. So '93 is Jim Pitts. '95 is Kevin Brady.</p> <p>24 '97 Wayne Christian. '99 is Rick Perry. 2001 is John</p> <p>25 Cornyn, 2003 is Robert Talton, 2005 is John Otto, 2007</p>	<p style="text-align: center;">48</p> <p>1 a senior staff member?</p> <p>2 A. Yes. Well, all of it from intern, you know, all</p> <p>3 the way up to chief of staff.</p> <p>4 Q. Okay. And as we talk about each one I would like</p> <p>5 you to try to identify what your title or position was</p> <p>6 during that time period?</p> <p>7 A. Okay.</p> <p>8 Q. But let's start with 1992, which you said was</p> <p>9 Tim?</p> <p>10 A. Von Dohlen.</p> <p>11 Q. Von Dohlen.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Tim Von Dohlen was a Representative. Is he still</p> <p>14 in the House now?</p> <p>15 A. He is not.</p> <p>16 Q. He is not. Okay. And as an employee of Tim Von</p> <p>17 Dohlen, can you tell me what your position or title was?</p> <p>18 A. Intern.</p> <p>19 Q. And as an intern for Tim Von Dohlen, can you tell</p> <p>20 me what your responsibilities generally were?</p> <p>21 A. Case work.</p> <p>22 Q. And when you say "case work," do you mean</p> <p>23 research? How are you defining that?</p> <p>24 A. Case work is when a constituent calls and they</p> <p>25 have a question, they have a question about child</p>



<p style="text-align: center;">49</p> <p>1 support or maybe Medicaid, State services. And as an 2 intern we take those phone calls and problem solve for 3 them. 4 Q. As an intern for Tim Von Dohlen, did you deal 5 with any issues related to voter ID? 6 A. No. 7 Q. And that would have been in 1992? 8 A. 1992, correct. 9 Q. And did you field any calls, did you take any 10 calls regarding voter ID? 11 A. No. 12 Q. Did you take any calls regarding voter fraud? 13 A. No. 14 Q. Let's go to 1993 which did -- did Huey -- 15 A. McCoulskey. 16 Q. Or Jim Pitts come first? 17 A. Huey McCoulskey. 18 Q. And Huey McCoulskey was a Representative in the 19 House? 20 A. Yes. 21 Q. What was the title or position that you held for 22 Huey McCoulskey? 23 A. Two. I was an intern as well. 24 Q. Okay. 25 A. And then I worked in the district office. I</p>	<p style="text-align: center;">51</p> <p>1 Q. And so then -- and also in 1993 you worked for -- 2 let me back up. You also said you were in his other 3 office, correct? 4 A. Correct. 5 Q. And same questions. Did you have any 6 responsibilities related to voter ID? 7 A. No. 8 Q. Did you have any responsibilities related to 9 voter fraud of any kind? 10 A. No. 11 Q. All right. And so also in 1993 you worked for 12 Jim Pitts, Representative Pitts. And can you tell me 13 what your title or position was in 1993? 14 A. Same thing. I mean, you got to check the 15 paperwork for exact titles. Because I don't know what 16 his exact title -- what my exact title was. But it was 17 the same thing. Like, intern. Same job. 18 Q. When you say "same job," do you mean case work or 19 do you mean opening mail? 20 A. Opening mail. 21 Q. Opening mail. Okay and in 1993 with Jim Pitts 22 did you deal with any issues related to voter ID? 23 A. No. 24 Q. Did you deal with any issues related to voter 25 fraud?</p>
<p style="text-align: center;">50</p> <p>1 can't tell you my title. If I'm -- I'm district office 2 director, maybe something like that. 3 Q. So your answer would suggest that you worked in 4 two different locations -- 5 A. That is correct. 6 Q. For Jim McCoulskey? 7 A. Huey. Yes. 8 Q. And so can you tell me which locations you worked 9 at? 10 A. Sure. So at the beginning of '93 I was in Huey's 11 capital office as an intern. And then after the session 12 '93, when it was over, I went back to work for Huey. 13 And between that time is when I worked for Jim Pitts in 14 '93. So it was Huey McCoulskey beginning of '93. I 15 finished the session with Jim Pitts in '93 and went back 16 to work for Huey McCoulskey in '93. 17 Q. So in '93 while you're in the capital office for 18 Representative McCoulskey, can you tell me what your 19 responsibilities were. I believe you're an intern? 20 A. Open mail. 21 Q. Did you open my mail related to voter ID? 22 A. No. 23 Q. Did you open any mail related to voter fraud 24 issues? 25 A. No.</p>	<p style="text-align: center;">52</p> <p>1 A. No. 2 Q. Were those issues that you were even aware of in 3 1993? 4 A. No. 5 Q. So I believe the next Representative that you 6 worked for, and correct me if I'm wrong, is Kevin Brady? 7 A. Yes. 8 Q. In 1995? 9 A. Yes. 10 Q. And in 1995 can you tell me what your 11 responsibilities were for Representative Brady? 12 A. Administrative aid. So mail, case work, 13 assigning the interns, file folders. This is 14 pre-computers. So we were, you know, manually filing 15 them. Kind of made sure the interns had jobs. 16 Q. That sounds like a promotion. 17 A. It was. 18 Q. In any event in 1995 did your responsibilities 19 conclude -- include anything dealing with voter ID? 20 A. No. 21 Q. Did your responsibilities include anything 22 dealing with issues of voter fraud of any kind? 23 A. No. 24 Q. All right. So from 1995 you then, looks like you 25 took a little time off and you came back and worked for,</p>



<p style="text-align: center;">53</p> <p>1 is it Wayne Christian?</p> <p>2 A. Yes.</p> <p>3 Q. And Wayne Christian is also a representative?</p> <p>4 A. Yes.</p> <p>5 Q. And that time period would have been 1997, if</p> <p>6 I'm -- if I'm correct?</p> <p>7 A. Yes.</p> <p>8 Q. And in 1997 what title or position did you hold?</p> <p>9 A. Legislative aid.</p> <p>10 Q. And tell me, if you can, what the</p> <p>11 responsibilities were for a legislative aid?</p> <p>12 A. Making sure the committee book for the committees</p> <p>13 he was serving, making sure the committee books had the</p> <p>14 right bills in them and that we had the analysis in</p> <p>15 them, everything was together for him. And then</p> <p>16 managed, you know -- at this point the administrative</p> <p>17 assistant, any interns and making sure that the case</p> <p>18 work was done, you know, and the letters were being</p> <p>19 written and things were getting filed correctly.</p> <p>20 Q. So you were dealing with his constituents in</p> <p>21 terms of letter writing?</p> <p>22 A. Not really anymore. I was kind of making sure</p> <p>23 that what came in had an answer going out. But I wasn't</p> <p>24 involved with like the -- the copy writing at this stage</p> <p>25 anymore. That was the administrative assistant's job.</p>	<p style="text-align: center;">55</p> <p>1 a second --</p> <p>2 A. Okay.</p> <p>3 Q. And focus on Jim Pitts in 2005.</p> <p>4 A. 2005 would be John Otto.</p> <p>5 Q. You're correct. Thank you. Let's focus on</p> <p>6 Representative Otto in 2005. Can you tell me what title</p> <p>7 you held as -- as an employee for Representative Otto?</p> <p>8 A. Legislative aid. When you ask me title, you'll</p> <p>9 have to check the personnel action request. Because</p> <p>10 I -- I don't know if that says legislative assistant, if</p> <p>11 it says legislative director. The titles for each</p> <p>12 member are kind of vague here in Texas. The members</p> <p>13 kind of put a title on there. So when I say that, you</p> <p>14 know, there's -- there's four recognized titles in the</p> <p>15 handbook.</p> <p>16 Q. What are the four recognized titles?</p> <p>17 A. Oh, gosh. It was clerk, intern, administrative</p> <p>18 aid and legislative aid.</p> <p>19 Q. Okay.</p> <p>20 A. Those are like, the four. So people put, you</p> <p>21 know, on the actual paperwork other stuff. So when I</p> <p>22 tell you legislative aid that's what I did, I mean,</p> <p>23 legislative aid.</p> <p>24 Q. And so in 2005 under Representative Otto, can you</p> <p>25 tell me, generally, what your responsibilities were?</p>
<p style="text-align: center;">54</p> <p>1 Q. Okay. So in 1997 while working for Wayne</p> <p>2 Christian were you aware of issues related to voter</p> <p>3 fraud?</p> <p>4 A. No.</p> <p>5 Q. Was that a topic of discussion in 1997, if you</p> <p>6 remember?</p> <p>7 A. I don't recall that it was.</p> <p>8 Q. Okay. Were you aware of any issues related to</p> <p>9 voter ID in 1997?</p> <p>10 A. No.</p> <p>11 Q. So from -- and I should follow it up with, did</p> <p>12 you work on any issues related to voter ID?</p> <p>13 A. No.</p> <p>14 Q. And did you work on any issues related to voter</p> <p>15 fraud?</p> <p>16 A. No.</p> <p>17 Q. And so from 1997 you then went to, if I am</p> <p>18 correct, Jim Pitts in 2005?</p> <p>19 A. No. 1999 would be Rick Perry.</p> <p>20 Q. 1999. But Rick Perry was not a representative in</p> <p>21 1999?</p> <p>22 A. No. That's right.</p> <p>23 Q. He would have been Lieutenant Governor?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. So let's -- let's skip over Rick Perry for</p>	<p style="text-align: center;">56</p> <p>1 A. Yeah. His legislative package, his bills -- his</p> <p>2 bills, ones that he was carrying, dominated almost all</p> <p>3 of my time.</p> <p>4 Q. Okay. And so as a legislative aid did you -- did</p> <p>5 you conduct analysis, research on a particular bill?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did Jim Otto address any issues of</p> <p>8 voter ID in 2005?</p> <p>9 A. John Otto, no.</p> <p>10 Q. I'm sorry. John Otto. I'll get that right.</p> <p>11 I'll just call him Representative Otto for now.</p> <p>12 A. That'll work, too.</p> <p>13 Q. Did any of your responsibilities include issues</p> <p>14 of voter ID in 2005?</p> <p>15 A. No.</p> <p>16 Q. Did any of your responsibilities include issues</p> <p>17 related to voter fraud in 2005?</p> <p>18 A. No.</p> <p>19 Q. Were you aware of issues related to voter ID in</p> <p>20 2005?</p> <p>21 A. At this time, 2005, I don't think a bill had been</p> <p>22 filed in 2005. I'm not certain when I saw that first</p> <p>23 one. But I can't remember if that was '05 or '07. I</p> <p>24 don't remember.</p> <p>25 Q. So as you sit here today, is it your testimony</p>



<p style="text-align: center;">57</p> <p>1 that you are not -- you were not aware of issues related</p> <p>2 to voter ID?</p> <p>3 A. Right. Right.</p> <p>4 Q. In 2005?</p> <p>5 A. Right.</p> <p>6 Q. And you were not aware of issues related to voter</p> <p>7 fraud in 2005?</p> <p>8 A. Right.</p> <p>9 Q. Okay. And so you worked for Representative</p> <p>10 Otto --</p> <p>11 A. That's right.</p> <p>12 Q. From 2005 to 2007 or was there a break in there</p> <p>13 somewhere?</p> <p>14 A. That one was consecutive. So it would have been</p> <p>15 the whole time.</p> <p>16 Q. Okay. At any time during the period that you</p> <p>17 worked for Representative Otto did your responsibilities</p> <p>18 include issues related to voter ID?</p> <p>19 A. No.</p> <p>20 Q. At any time during the period in which you worked</p> <p>21 for Representative Otto did your responsibilities</p> <p>22 include issues related to voter fraud?</p> <p>23 A. No.</p> <p>24 Q. Did you receive any calls or communications</p> <p>25 regarding voter ID while you were a legislative aid for</p>	<p style="text-align: center;">59</p> <p>1 you do any independent research to determine the effects</p> <p>2 of voter -- photo ID?</p> <p>3 A. No.</p> <p>4 Q. On minorities?</p> <p>5 A. No.</p> <p>6 Q. Did you do any independent research at all or</p> <p>7 engage in any communications that would have supported</p> <p>8 your position on -- that helped to support your position</p> <p>9 on photo ID?</p> <p>10 A. No.</p> <p>11 Q. And so now, let me move forward to your actual</p> <p>12 position as a representative in District 52. Why don't</p> <p>13 you know the demographics of your district?</p> <p>14 A. I don't see my district like that.</p> <p>15 Q. You don't think it's important to know the</p> <p>16 demographics, the people in your district?</p> <p>17 A. I think it's important to know the issues that</p> <p>18 are facing my district.</p> <p>19 Q. Well, obviously during your campaign in 2010, you</p> <p>20 campaigned, correct?</p> <p>21 A. Uh-huh.</p> <p>22 Q. You went out and -- into your community?</p> <p>23 A. Yes.</p> <p>24 Q. And did you go to the various areas, cities</p> <p>25 within your, now District 52?</p>
<p style="text-align: center;">58</p> <p>1 Representative Otto?</p> <p>2 A. Not that I recall.</p> <p>3 Q. And did you receive any communications or phone</p> <p>4 calls while you were a legislative aid for</p> <p>5 Representative Otto that addressed the issue of voter</p> <p>6 fraud?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Okay. And so I want to take you back. Was --</p> <p>9 was there anybody else that you worked for as a</p> <p>10 legislative aid or any other -- of the other titles that</p> <p>11 you described in the House after 2007?</p> <p>12 A. No. No. Because then it was Texas State so I</p> <p>13 got elected.</p> <p>14 Q. Okay. So your period would have been from 1992</p> <p>15 to 2007 you worked for various representatives in the</p> <p>16 House?</p> <p>17 A. That is accurate.</p> <p>18 Q. All right. So let me take you back for a second</p> <p>19 to your campaign in 2010. Do you know what -- do you</p> <p>20 know what the people you communicated with wanted to see</p> <p>21 regarding the issue of voter ID? Wanted to see happen I</p> <p>22 should say?</p> <p>23 A. A picture -- photo picture when you voted.</p> <p>24 Q. And do you -- at any time during that time that</p> <p>25 you were campaigning, and I'm talking about 2010, did</p>	<p style="text-align: center;">60</p> <p>1 A. Yes.</p> <p>2 Q. And that's contained completely within Williamson</p> <p>3 County?</p> <p>4 A. Yes.</p> <p>5 Q. And there are various cities within District 52?</p> <p>6 A. Yes.</p> <p>7 Q. Can you identify the cities that -- that are</p> <p>8 currently within District 52?</p> <p>9 A. Currently or at the time of the election?</p> <p>10 Q. At the time of the election. I understand there</p> <p>11 was a redistricting process.</p> <p>12 A. Right. Round Rock, Georgetown, Hutto, Taylor,</p> <p>13 Coupland, C-O-U-P. Coupland, parts of Austin, and parts</p> <p>14 of two different municipal utility districts, or as we</p> <p>15 say MUDS.</p> <p>16 Q. Okay. And I just want to ask you, specifically,</p> <p>17 you spent time in Taylor during your campaign?</p> <p>18 A. Yes.</p> <p>19 Q. Could you describe for me the demographics of --</p> <p>20 of Taylor as far as Black, Hispanic?</p> <p>21 A. No.</p> <p>22 Q. So who did you speak to when you went to Taylor.</p> <p>23 Did you speak to Anglos?</p> <p>24 A. A lot of folks.</p> <p>25 MR. McKENZIE: I'm also going to object.</p>



<p style="text-align: center;">61</p> <p>1 When you see someone, you don't always know what,</p> <p>2 exactly, the demographics of the folks you're seeing</p> <p>3 are. But you may answer.</p> <p>4 BY MR. GEAR:</p> <p>5 Q. Okay.</p> <p>6 A. Don't know.</p> <p>7 Q. So as you sit here today, is it your testimony</p> <p>8 that you have never attempted to determine the</p> <p>9 demographics of the District 52 which you are currently</p> <p>10 a House member in, correct?</p> <p>11 A. Yeah. I don't know the racial demographics of</p> <p>12 District 52.</p> <p>13 Q. Okay. And on your own representative website,</p> <p>14 are the demographics posted on that website?</p> <p>15 A. I don't know.</p> <p>16 Q. You've never attempted to look to see if</p> <p>17 demographics are posted on your website for House</p> <p>18 member?</p> <p>19 A. I don't know -- oh, the House member?</p> <p>20 Q. Yes.</p> <p>21 A. House member or campaign member?</p> <p>22 Q. As a House member?</p> <p>23 A. Oh, I don't know if it's there. Probably is, I</p> <p>24 guess.</p> <p>25 Q. Who do you view as your main base of electoral</p>	<p style="text-align: center;">63</p> <p>1 Speculation. Go ahead.</p> <p>2 BY MR. GEAR:</p> <p>3 Q. Are you Hispanic?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And did you have an occasion to look at</p> <p>6 her website while campaigning against her?</p> <p>7 A. Oh, yeah.</p> <p>8 Q. And did that indicate at all whether or not she</p> <p>9 was Hispanic?</p> <p>10 A. I don't know.</p> <p>11 Q. Was she a -- a member of any Hispanic membership</p> <p>12 groups?</p> <p>13 A. I don't know.</p> <p>14 Q. Were you a member of any Hispanic membership</p> <p>15 groups during the -- during 2010 campaign?</p> <p>16 A. El Amistad Club. And I say that because they</p> <p>17 list me officially, but I haven't been there in years.</p> <p>18 But it's my understanding that they list me on their</p> <p>19 Secretary State filings, whatever they do, that I appear</p> <p>20 there. But it's been years since I've gone there.</p> <p>21 Q. Do you have any support from the Hispanic</p> <p>22 community, did you have any support during your</p> <p>23 candidacy in 2010?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have an occasion to look at the vote</p>
<p style="text-align: center;">62</p> <p>1 support?</p> <p>2 MR. McKENZIE: Objection; vague.</p> <p>3 BY MR. GEAR:</p> <p>4 Q. Well, when you were campaigning in 2010 --</p> <p>5 A. Uh-huh.</p> <p>6 Q. For District 52, did you have an opponent?</p> <p>7 A. Yes.</p> <p>8 Q. And who was that opponent?</p> <p>9 A. Diana Maldonado.</p> <p>10 Q. And that's a Hispanic surname. Am I accurate to</p> <p>11 say that she is Hispanic?</p> <p>12 MR. McKENZIE: Objection; calls for</p> <p>13 speculation.</p> <p>14 BY MR. GEAR:</p> <p>15 Q. Well, did you meet this candidate?</p> <p>16 A. Oh. Yeah. Yeah.</p> <p>17 Q. And is this candidate a Spanish Speaker?</p> <p>18 A. I think she speaks Spanish.</p> <p>19 Q. Okay.</p> <p>20 A. I've never heard her speak Spanish, but I think</p> <p>21 she speaks Spanish.</p> <p>22 Q. Okay. So I'm going to ask you again, is it fair</p> <p>23 to say that this candidate that you were running against</p> <p>24 in 2010 was also Hispanic?</p> <p>25 MR. McKENZIE: Objection. Same objection.</p>	<p style="text-align: center;">64</p> <p>1 results during the campaign or after the campaign in</p> <p>2 2010?</p> <p>3 A. Which -- which campaign?</p> <p>4 Q. I'm talking about your 2010 campaign where you</p> <p>5 first ran for district 52.</p> <p>6 A. There were three campaigns in 2010.</p> <p>7 Q. You were involved in three campaigns in 2010?</p> <p>8 A. Yes.</p> <p>9 Q. You ran for three different positions?</p> <p>10 A. No.</p> <p>11 Q. Elected positions in 2010?</p> <p>12 A. No.</p> <p>13 Q. So help me understand what you mean by three</p> <p>14 campaigns?</p> <p>15 A. Sure. There's a campaign for the Republican</p> <p>16 nomination.</p> <p>17 Q. Okay.</p> <p>18 A. There was a campaign for the runoff.</p> <p>19 Q. Okay.</p> <p>20 A. And there was a campaign to be the elected</p> <p>21 official in November. So three campaigns.</p> <p>22 Q. So -- so Republican nomination --</p> <p>23 A. Runoff.</p> <p>24 Q. Runoff. General election?</p> <p>25 A. Correct.</p>



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1 Q. So during the Republican nomination, did you have
2 a chance to look at how the -- the precincts in House
3 District 52 broke out and what type of support you were
4 receiving?

5 A. Yes.

6 Q. Okay. And did you attempt to do an analysis
7 based on Spanish surname to determine if the Hispanic
8 community or Spanish surname community in this case, was
9 supporting you during to your campaign.

10 A. Yes.

11 Q. And what did you find?

12 A. A lot of support by the Hispanic community.

13 Q. And when you say "a lot of support," what does
14 that mean?

15 A. Numbers were -- were big. A lot of support. You
16 want a number?

17 Q. Well, generally, I've been trying to understand
18 your testimony on not knowing the constituents, the
19 demographics of your constituents in House District 52.
20 But during the campaign you've testified that you looked
21 at -- at the data precinct by precinct and you did a
22 surname analysis to determine what Spanish surname
23 constituents, at least, were supporting you. And so I
24 was attempting to find out if you could tell me based on
25 the precinct data now, how that would break out in terms

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1 of the cities in House District 52?

2 A. I didn't do the surname search. I didn't do the
3 research. It was sent to me, although we didn't ask for
4 it. It was sent to my office and we looked at it. So
5 as to how it was done, I don't know. As to methodology,
6 I don't know. As to the metrics --

7 Q. You don't know.

8 A. No. I didn't do that.

9 Q. Okay.

10 A. I didn't do that part of it. So I can't speak to
11 the methodology.

12 Q. Did you look to see if the majority of the
13 Hispanic precincts supported you during your campaign?
14 And I'm talking about both the Republican, the --
15 through to the general election. The Republican
16 nomination to the general election?

17 A. Can you define for me Hispanic precinct?

18 Q. Sure. A majority Spanish surname precinct?

19 A. I don't know that information.

20 Q. Okay. Have you had -- ever had an occasion to
21 review voter ID bills that were presented prior to SB
22 14?

23 A. Not that I recall. There was one voter ID bill,
24 but I don't know if it was '07 or '09. I can't remember
25 the year. There was another one, but it was not my --

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1 it wasn't in my scope. Like, I wasn't working on that.
2 There was -- there was one out there that I recall. I
3 couldn't tell you who did it or what year it was. But
4 it wasn't like, within my scope of like, my job
5 description to -- to follow that particular bill. But
6 there was one out there, I think filed previously in a
7 different session.

8 Q. Okay.

9 A. That I recall.

10 MR. GEAR: This has been previously marked
11 as Exhibit 44, so I want to follow that same number.

12 MR. McKENZIE: Do you have a copy?

13 MR. GEAR: Say that again.

14 MR. McKENZIE: Do you have a copy?

15 MR. GEAR: Yes, I do.

16 MR. McKENZIE: Okay.

17 (Exhibit No. 44 was marked.)

18 BY MR. GEAR:

19 Q. Okay. Now, I want to give you a chance to look
20 at this and then ask you a few questions about it.

21 A. Okay. Okay. I think I get it.

22 Q. Have you seen this before?

23 A. It is not familiar to me at all.

24 Q. Can you identify what it is?

25 A. This is House Bill 1706. Authors are listed

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1 there. I couldn't tell you that I recall seeing this in
2 any kind of capacity, really.

3 Q. And can you tell me who the authors are on this?

4 A. Well, I can tell you who the authors listed are.

5 Q. Sure.

6 A. There's Denny -- that's Mary Denny, that would be
7 Jim Pitts, it would be Beverly Woolley, Joe Dixon,
8 Dwayne Bohac and then the et al refers to other members
9 who may have signed on.

10 Q. And is this the same Representative Pitts that
11 you worked for between 2005 and 2007?

12 A. No. Jim Pitts was in 1993.

13 Q. And that's where my mistake was. There was a Jim
14 Pitts --

15 A. And a John Otto.

16 Q. John --

17 A. That is correct.

18 Q. Otto. Okay. Did you have occasion to review
19 this during or prior to the legislative debates for SB
20 14?

21 A. No.

22 Q. I just want to direct your attention to page --
23 it would be -- it would be Page 4, Section 63.0101?

24 A. Okay.

25 Q. Documentation of proof of identification?



<p style="text-align: center;">69</p> <p>1 A. Uh-huh.</p> <p>2 Q. And do you understand this -- this Exhibit 44 to</p> <p>3 be the voter ID bill that was introduced in 2005?</p> <p>4 A. No, I wouldn't.</p> <p>5 MR. McKENZIE: Objection.</p> <p>6 A. I wouldn't know that.</p> <p>7 Q. (By Mr. Gear) Well, again, take some time to</p> <p>8 review it. I would like to ask you some questions about</p> <p>9 it. And I would like you to try to familiarize yourself</p> <p>10 with it.</p> <p>11 A. Okay.</p> <p>12 Q. Can you tell me what this is now?</p> <p>13 A. It is a bill to be entitled An Act Relating to</p> <p>14 Requiring a Voter to Present Proof of Identification.</p> <p>15 Q. And, you know, again, directing your attention to</p> <p>16 Section 63.0101 --</p> <p>17 A. Uh-huh.</p> <p>18 Q. Documentation of proof of identification.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Can you describe for me what the allowable forms</p> <p>21 of identification were in HB No. 1706?</p> <p>22 A. Okay. Line 19 says a driver's license or</p> <p>23 personal identification card issued by DPS or, I guess</p> <p>24 an ID card, if it's not a driver's license issued by</p> <p>25 DPS, and has some expiration dates. On line 25 it talks</p>	<p style="text-align: center;">71</p> <p>1 not aware of any issues of voter fraud; is that correct?</p> <p>2 A. Yeah. It wasn't in my scope of responsibility.</p> <p>3 Q. Okay. And does that mean you were not aware of</p> <p>4 issues of voter fraud between 1992 and 1997?</p> <p>5 A. Yeah. Not from a legislative, I mean, not from a</p> <p>6 legislative -- I'm a staffer, read legislation, it</p> <p>7 wasn't -- it wasn't -- I wasn't aware of that at all.</p> <p>8 Q. Okay. And you also testified that between 1992</p> <p>9 and 19 -- 2007 you were not aware of issues related to a</p> <p>10 voter ID. Is that also correct?</p> <p>11 A. Right.</p> <p>12 Q. Okay. So do you understand or have you become</p> <p>13 aware, at some point, regarding the issues of voter</p> <p>14 fraud?</p> <p>15 A. Yes.</p> <p>16 Q. And can you tell me, how would you define voter</p> <p>17 fraud?</p> <p>18 A. I would define voter fraud as somebody who --</p> <p>19 well, there's different definitions. Let's see here.</p> <p>20 Q. And when you say "there's different definitions,"</p> <p>21 you're talking about the Texas -- Texas election code?</p> <p>22 A. I wasn't going to quote statute. I was just</p> <p>23 going to, you know --</p> <p>24 Q. Fair enough.</p> <p>25 A. Yeah. I mean, it's an illegal vote that's being</p>
<p style="text-align: center;">70</p> <p>1 about a United States military identification card with</p> <p>2 the person's photograph. On page -- on my Page 5, line</p> <p>3 2 it talks about a valid employee identification card</p> <p>4 that contains a person's photograph and is issued by an</p> <p>5 employer. Ordinary course of business. My Page 5, line</p> <p>6 7 talks about a US citizenship certificate that has a</p> <p>7 photograph. Same page, my page line -- Page 9, line 9</p> <p>8 talks about passport. Page 10 is a student</p> <p>9 identification card issued by an institution of higher</p> <p>10 education that contains a person's photograph. Line 14</p> <p>11 appears to be a CHL, concealed handgun license, issued</p> <p>12 by DPS, Department of Public Safety. Line 16 is an ID</p> <p>13 card issued by a State agency of the State that has a</p> <p>14 photograph. Line 18 is an ID card, the person's</p> <p>15 photograph that's issued by the county election's</p> <p>16 administrator or county clerk. And 21 says there's</p> <p>17 more.</p> <p>18 So 23 says -- oh, I guess that's current</p> <p>19 language. Yeah, that's not underlined, so line 23, 24,</p> <p>20 25 are current language. And that lists utility bill,</p> <p>21 government bill, paycheck, other government documents.</p> <p>22 In 26 they added official mail addressed to the person</p> <p>23 by name from a governmental entity. Wait a minute.</p> <p>24 Q. I asked you a few questions before about voter</p> <p>25 fraud. You testified that between 1992 to 2007 you were</p>	<p style="text-align: center;">72</p> <p>1 cast is how I would define it.</p> <p>2 Q. When you say "an illegal vote that's being cast,"</p> <p>3 what do you mean?</p> <p>4 A. There are -- maybe somebody votes and represents</p> <p>5 to be somebody they aren't. Maybe somebody has a</p> <p>6 mail-in ballot that they shouldn't legally have. Fills</p> <p>7 out a mail-in ballot they shouldn't legally be filling</p> <p>8 out.</p> <p>9 Q. Anything else?</p> <p>10 A. If we sat here long enough. But no.</p> <p>11 Q. How would you identify or define voter</p> <p>12 impersonation?</p> <p>13 A. I guess it would be representing yourself to be</p> <p>14 somebody other than yourself. Representing yourself --</p> <p>15 yeah. Representing yourself to be somebody other than</p> <p>16 yourself.</p> <p>17 Q. So generally, as I understand your testimony, you</p> <p>18 identified by mail ballot fraud?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And voter impersonation or voting at the polling</p> <p>21 place types of fraud, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And is that your understanding of voter fraud in</p> <p>24 general?</p> <p>25 A. Yes.</p>



<p style="text-align: center;">73</p> <p>1 Q. Turning your attention back to Exhibit 44,</p> <p>2 section 63.0101.</p> <p>3 A. Okay.</p> <p>4 Q. Section 3, which would be, I believe Page 5?</p> <p>5 A. My Page 5. Yes.</p> <p>6 Q. In your opinion, would allowing a valid employee</p> <p>7 identification card that contains the person's</p> <p>8 photograph and is issued by an employer of the person in</p> <p>9 the ordinary course of the employer's business be an</p> <p>10 effective method of preventing voter fraud as you</p> <p>11 identified it?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. Because you're asking an election judge to know</p> <p>15 that that is a valid source of ID, to recognize that</p> <p>16 that is valid or not valid.</p> <p>17 Q. Does an election judge have an ability -- a</p> <p>18 greater ability to identify whether a driver's license</p> <p>19 is valid versus an employee card?</p> <p>20 A. Yes.</p> <p>21 Q. And how do you know this?</p> <p>22 A. Consistency of documentation.</p> <p>23 Q. So does it make any difference if the ID card,</p> <p>24 for instance, expired within a two-year period or a</p> <p>25 60-day period, does that make any difference to you?</p>	<p style="text-align: center;">75</p> <p>1 valid driver's license or State issued ID with an</p> <p>2 eight-year old photo?</p> <p>3 A. I don't know the exact years. But you do have to</p> <p>4 get -- but you do have to get a new picture done. You</p> <p>5 have to get a new picture done in Texas even on line.</p> <p>6 Actually --</p> <p>7 Q. I'm sorry.</p> <p>8 A. You have to go -- it's on line once. But I think</p> <p>9 the next time you have to go get your picture redone.</p> <p>10 Q. So as I understand your testimony, driver's</p> <p>11 licenses in Texas last -- are valid for four years?</p> <p>12 A. Yes.</p> <p>13 Q. And if you renew on line, then you would use the</p> <p>14 old photograph that was taken previously for your</p> <p>15 renewed license, correct?</p> <p>16 A. I think it's one time.</p> <p>17 Q. And that -- that renewed license would be valid</p> <p>18 for another four years?</p> <p>19 A. That is correct.</p> <p>20 Q. So again, it's -- it's possible and likely then,</p> <p>21 that an individual who renewed on line could vote at a</p> <p>22 polling place with a valid driver's license or State</p> <p>23 issued ID that has an eight-year old picture?</p> <p>24 A. That's correct.</p> <p>25 Q. Why don't we take a quick break?</p>
<p style="text-align: center;">74</p> <p>1 A. No.</p> <p>2 Q. Would that make it any easier or harder for an</p> <p>3 election judge to identify a invalid card, for instance?</p> <p>4 A. Yeah, harder.</p> <p>5 Q. Harder in what -- what capacity?</p> <p>6 A. Harder in that a four-year old card versus a --</p> <p>7 you know, a four-year old picture versus a two-month old</p> <p>8 picture might be more difficult for someone to identify.</p> <p>9 Q. Well, that may be the case anyway, because how</p> <p>10 often do Texas residents have to renew their driver's</p> <p>11 license?</p> <p>12 A. Every four years, I guess.</p> <p>13 Q. So someone could actually come in to a polling</p> <p>14 place with a four-year old picture and still have a</p> <p>15 valid card; is that correct?</p> <p>16 A. You said card, you mean driver's license?</p> <p>17 Q. Driver's license ID card, State issued ID card.</p> <p>18 A. Yes.</p> <p>19 Q. Can you renew your driver's license on line?</p> <p>20 A. Yes.</p> <p>21 Q. Is that something you're allowed to do? And when</p> <p>22 you renew on line, do you take a new photo?</p> <p>23 A. You take a new photo every other renewal, I</p> <p>24 think.</p> <p>25 Q. So in essence, someone could still possess a</p>	<p style="text-align: center;">76</p> <p>1 A. Sure.</p> <p>2 (Brief recess.)</p> <p>3 BY MR. GEAR:</p> <p>4 Q. Okay. Back on the record. I just want to return</p> <p>5 your attention to Exhibit 44. We had a chance to look</p> <p>6 at this. The -- you've identified who the authors of</p> <p>7 this bill are and you also see that this is listed as</p> <p>8 House Bill No. 1706. And do you understand that to be</p> <p>9 the House Bill that was introduced in 2005?</p> <p>10 A. I -- I couldn't tell you the year, but if you say</p> <p>11 2005, okay.</p> <p>12 Q. Okay. Would you be surprised if that was the</p> <p>13 House Bill introduced in 2005?</p> <p>14 A. It -- no, it was sometime in there.</p> <p>15 Q. And the categories of ID that we've been going</p> <p>16 through, do you understand those to be described as the</p> <p>17 allowable forms of ID under House Bill 1706?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. My understanding is that you also worked</p> <p>20 for Lieutenant Governor Perry at the time, in 1999?</p> <p>21 A. Yes.</p> <p>22 Q. And can you tell me what your responsibilities</p> <p>23 were for Lieutenant Governor Perry?</p> <p>24 A. Read and write an analysis for any bill that was</p> <p>25 in government code.</p>



<p style="text-align: center;">77</p> <p>1 Q. Can you give me a little bit more on that? "Any 2 bill that was in government code," does that include 3 voter ID, does that include election law, I should say? 4 A. Government code. So if this were to, say amend 5 the government code, then that's something I would have 6 read. 7 Q. Did you have an occasion to read or write any -- 8 any government code related to election law? 9 A. No, not that I remember at all. 10 Q. Okay. And along that line of questioning, did 11 you have an occasion to read or write any government 12 code related to voter fraud? 13 A. No, not that I remember at all. 14 Q. And as a staff member for Governor Perry, what 15 position or title did you hold? 16 A. I don't know what the paperwork says, but we were 17 referred to as research assistant, maybe, something like 18 that. 19 Q. And as a research assistant specifically, were 20 you ever given the responsibility to research issues 21 related to voter fraud? 22 A. No. 23 Q. Were you ever given responsibility to research 24 issues related to voter ID? 25 A. No.</p>	<p style="text-align: center;">79</p> <p>1 Q. Cornyn? 2 A. C-O-R-N-Y-N. 3 Q. And what time period was that? 4 A. This would be February-ish of '01 through 5 December of '01. 6 Q. And what responsibilities did you have in the 7 AG's office? 8 A. It was broken down the same way. So I had -- 9 like Perry's office was by topic. 10 Q. Okay. 11 A. So I had transportation and I don't remember any 12 other topic, but there at the end of session I was asked 13 to look at loan repayment programs. 14 Q. Okay. And so there's something I don't 15 understand. 16 A. Okay. 17 Q. You said Perry's office was my topic. I don't 18 think -- I'm not really sure what that means? 19 A. Well, I mean like, as in Perry's office, the 20 General Cornyn had the staffers broken down by policy 21 area. 22 Q. Okay. 23 A. So when I worked for General Cornyn, my policy 24 area was transportation. And then toward the end of 25 session they asked me to help with -- with like, a law</p>
<p style="text-align: center;">78</p> <p>1 Q. Was voter ID ever a topic of discussion in 2 Lieutenant Governor Perry's office during the time that 3 you were employed by him? 4 A. Not that I would be aware of. 5 Q. Was voter fraud ever a discussion in Lieutenant 6 Governor Perry's office during the time that you were 7 employed? 8 A. No. 9 Q. And I believe that was in 1999. 10 A. 1999. Not that I'm aware of at all. 11 Q. And you were employed in his office from 1995 12 until? 13 A. January of '99 until June of '99. 14 Q. Okay. 15 A. Maybe July 1. I don't know. 16 Q. So as I understand your testimony, you were -- 17 during your employ with Governor Perry you were never 18 involved in any writing or analysis of, either voter ID 19 or voter fraud; is that correct? 20 A. That's correct. 21 Q. Okay. You also indicated that you were an 22 employee in the Attorney General's office? 23 A. Yes, sir. 24 Q. And that was under which Attorney General? 25 A. John Cornyn.</p>	<p style="text-align: center;">80</p> <p>1 school loan repayment program. 2 Q. So while in the Attorney General's office, did 3 you ever have any responsibilities related to voter 4 fraud? 5 A. No. 6 Q. Did you ever have any responsibilities related to 7 either the research analysis of voter ID? 8 A. No, sir. 9 Q. Do you -- do you or were you aware of the issue 10 of either -- let's start with voter fraud. Were you 11 aware of the issue of voter fraud being discussed in the 12 Attorney General's office in 2001? 13 A. No, sir. 14 Q. And that would not have been your area of -- that 15 would not have been your policy area, correct? 16 A. Correct. 17 Q. Are you aware of anyone that had a policy area in 18 2001 that -- that dealt with the issue of voter fraud in 19 the Attorney General's office? 20 A. No, sir. 21 Q. Are you aware of anyone that had a policy issue 22 in 2001 that dealt with the issue of voter ID? 23 A. No, sir. 24 Q. Okay. So again, let me take you back to your 25 campaigns in 2010. And when I say "campaigns," I mean</p>



<p style="text-align: center;">81</p> <p>1 from the beginning to the end.</p> <p>2 A. Okay.</p> <p>3 Q. Is that clear?</p> <p>4 A. That is clear.</p> <p>5 Q. Okay. And so as we've gone through our -- your</p> <p>6 testimony today, you've indicated that between 1992 and</p> <p>7 2007 you -- you had no knowledge or you were not aware</p> <p>8 of issues related to voter fraud; is that correct?</p> <p>9 A. Yeah.</p> <p>10 Q. And as we went through our testimony today, you</p> <p>11 indicated that between 1992 and 2007 you had no</p> <p>12 knowledge of issues related to voter ID; is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. And so you then entered into your campaign</p> <p>16 for House District 52 in 2010. And that's what,</p> <p>17 three -- approximately a three-year period between the</p> <p>18 times that you worked for these various individuals you</p> <p>19 testified about -- to the point where you determined</p> <p>20 that you were going to run for House District 52?</p> <p>21 A. Yes.</p> <p>22 Q. And I -- I'd like to know, as you sit here today,</p> <p>23 what information did you become aware of that -- that</p> <p>24 first identified the issue of voter fraud for you and</p> <p>25 voter fraud as you've defined it on the record?</p>	<p style="text-align: center;">83</p> <p>1 would have helped to form your basis and position on</p> <p>2 voter fraud?</p> <p>3 A. We're asking '07 through '09. Is that what we're</p> <p>4 talking about?</p> <p>5 Q. '07 through '09.</p> <p>6 A. No.</p> <p>7 Q. And let me ask the same questions about voter ID.</p> <p>8 Did you engage in any independent research or analysis</p> <p>9 that would have helped to form your basis on the issue</p> <p>10 of voter ID between 2007 and 2009?</p> <p>11 A. No.</p> <p>12 Q. Did you engage in any communications with anyone</p> <p>13 in the State of Texas that would have helped to form the</p> <p>14 basis of your opinion on voter ID between 2007 an 2009?</p> <p>15 A. No.</p> <p>16 Q. All right. And so is it fair to say between 1992</p> <p>17 to 2009 you were unaware of issues related to both voter</p> <p>18 fraud and voter ID?</p> <p>19 MR. MCKENZIE: I'm going to object as</p> <p>20 slightly mischaracterizing his testimony. But you may</p> <p>21 answer.</p> <p>22 BY MR. GEAR:</p> <p>23 Q. If I'm mischaracterizing it, you clarify it for</p> <p>24 the record?</p> <p>25 A. Okay. As I said earlier cursory knowledge, like</p>
<p style="text-align: center;">82</p> <p>1 MR. McKENZIE: May I ask a clarifying</p> <p>2 question.</p> <p>3 MR. GEAR: Sure.</p> <p>4 MR. McKENZIE: Are you talking about him as</p> <p>5 candidate or him as a legislator.</p> <p>6 MR. GEAR: I'm talking to him about as -- as</p> <p>7 a candidate.</p> <p>8 MR. McKENZIE: Okay.</p> <p>9 MR. GEAR: Between 2007 and 2010 -- let</p> <p>10 me -- let me strike that. Let me make it very simple.</p> <p>11 MR. McKENZIE: Okay.</p> <p>12 BY MR. GEAR:</p> <p>13 Q. When did you first take a position on voter ID?</p> <p>14 A. Probably 2009.</p> <p>15 Q. So prior to 2009 were you -- were you aware of</p> <p>16 voter fraud issues at all in the State of Texas?</p> <p>17 A. Cursory, what you see on the news stuff. But it</p> <p>18 wasn't something that I was, you know, engulfed in. You</p> <p>19 see it, but wasn't working on it.</p> <p>20 Q. So other than the news, did you undertake any</p> <p>21 independent research analysis that would have helped to</p> <p>22 form the basis of your position on voter fraud?</p> <p>23 A. No.</p> <p>24 Q. Did you engage in any specific types of</p> <p>25 communication with anyone in the State of Texas that</p>	<p style="text-align: center;">84</p> <p>1 what you see on the news. It wasn't an area. So what</p> <p>2 you're saying is not true. I was aware, but just like</p> <p>3 anybody else would be aware.</p> <p>4 Q. Okay.</p> <p>5 A. It wasn't in like -- like a capacity of research.</p> <p>6 It was just what you hear.</p> <p>7 Q. Fair enough. And you did say that you -- you</p> <p>8 heard, like anyone else, issues on the news. So let's</p> <p>9 focus on the issues on the news. Do you recall what</p> <p>10 issues you heard between this time period, and I would</p> <p>11 assume you're talking about 2007 to 2009, that came up</p> <p>12 regarding voter fraud on the news?</p> <p>13 A. All right. You know, information that there</p> <p>14 would be illegal votes cast in person, mail-in --</p> <p>15 mail-in ballots, in person and mail-in ballots are it.</p> <p>16 Q. So let's talk about in person voter</p> <p>17 impersonation. That's what you're talking about?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And -- and when we're talking about in</p> <p>20 person voter impersonation, we're talking about the way</p> <p>21 you defined it here on the record, correct?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Can you tell me, specifically what you heard</p> <p>24 regarding in person voter impersonation between 2007 and</p> <p>25 2009?</p>



<p style="text-align: center;">85</p> <p>1 A. Specifically no. I mean, it's just general</p> <p>2 knowledge. It's what you hear. I can't tell you</p> <p>3 specifically what was said.</p> <p>4 Q. Between 2007 and 2009 are you aware of any</p> <p>5 investigations, specific investigations related to voter</p> <p>6 fraud? And we're talking about voter impersonation.</p> <p>7 A. Yeah. I can't tell you when or where or a court</p> <p>8 case. Just a general knowledge that was a concern that</p> <p>9 people had.</p> <p>10 Q. Well, let's focus on the "yes." What was it that</p> <p>11 you heard regarding voter impersonation between that</p> <p>12 time period? Do you know any details?</p> <p>13 A. No. That there's a concern that people were</p> <p>14 showing up and they weren't who they say they were.</p> <p>15 Q. So let's see if we can put substance to the</p> <p>16 concern that other people are saying or that you</p> <p>17 yourself had?</p> <p>18 A. Just what I was seeing, hearing.</p> <p>19 Q. Okay. Do you know what county this</p> <p>20 investigation, as you described, it took place in?</p> <p>21 A. No.</p> <p>22 Q. Do you know the actual year that this</p> <p>23 investigation that you described took place?</p> <p>24 A. No.</p> <p>25 Q. Do you know what any of the details regarding</p>	<p style="text-align: center;">87</p> <p>1 A. No.</p> <p>2 Q. Okay. You also talked about by mail balloting.</p> <p>3 Again, are you describing that as a general source of</p> <p>4 information from the news?</p> <p>5 A. Yes.</p> <p>6 Q. And same questions. Are you aware of any</p> <p>7 specific investigations that resulted in what you heard</p> <p>8 on the news?</p> <p>9 A. No.</p> <p>10 Q. And are you aware of any specific prosecutions</p> <p>11 that took place regarding the by mail ballot voting that</p> <p>12 you heard on the news?</p> <p>13 A. No.</p> <p>14 Q. And are you aware of any convictions that took</p> <p>15 place as a result of what you heard on the news?</p> <p>16 A. No.</p> <p>17 Q. So other than the general information, you</p> <p>18 can't -- as you sit here the day, can you provided any</p> <p>19 specific detail on any of these news broadcasts that you</p> <p>20 heard?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you -- do you speak Spanish?</p> <p>23 A. No.</p> <p>24 Q. Have you ever learned Spanish?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">86</p> <p>1 that investigation may be?</p> <p>2 A. No.</p> <p>3 Q. Do you know if that investigation resulted in</p> <p>4 prosecution?</p> <p>5 A. No.</p> <p>6 Q. Do you know if that investigation resulted in a</p> <p>7 criminal conviction?</p> <p>8 A. No.</p> <p>9 Q. Do you know if that investigation dealt</p> <p>10 specifically with voter impersonation?</p> <p>11 A. Investigation?</p> <p>12 Q. Well, you described it on the record as an</p> <p>13 investigation that you were aware of. I'm just trying</p> <p>14 to understand what it is that you know. So if -- if I'm</p> <p>15 mischaracterizing your testimony, you can correct it?</p> <p>16 A. Yeah, I would like to because I don't know. And</p> <p>17 I said earlier I couldn't tell you a specific court</p> <p>18 case. So to use the word investigation, I don't think</p> <p>19 is what I was talking about. I said, generally</p> <p>20 speaking, you hear things about things that are going</p> <p>21 on. Your questioning is very specific to an</p> <p>22 investigation that I wouldn't have knowledge of.</p> <p>23 Q. Okay. Fair enough. And would you have knowledge</p> <p>24 of it -- a conviction that was the result of what you</p> <p>25 heard on the news?</p>	<p style="text-align: center;">88</p> <p>1 Q. Okay. Is it -- is it by choice that you don't</p> <p>2 speak Spanish or you no longer -- you no longer speak</p> <p>3 it?</p> <p>4 A. I learned it because UT told me I had to learn</p> <p>5 it.</p> <p>6 Q. Okay. Do your parents speak Spanish?</p> <p>7 A. Yes.</p> <p>8 Q. Do you ever speak Spanish or did you ever speak</p> <p>9 Spanish during the time you were campaigning in 2010?</p> <p>10 A. No.</p> <p>11 Q. Do you believe that -- my understanding is that</p> <p>12 in the State of Texas there's been some push to pass</p> <p>13 English only legislation. Do you agree with that</p> <p>14 legislation?</p> <p>15 MR. McKENZIE: I'm going to object to the</p> <p>16 extent it reflects your thoughts as a legislator. You</p> <p>17 may talk about your candidacy or public record or</p> <p>18 anything like that.</p> <p>19 A. That's privileged. I take privilege.</p> <p>20 Q. So we're talking about prior to you becoming a</p> <p>21 legislator. And I want to focus solely on 2010 and</p> <p>22 before?</p> <p>23 A. Okay.</p> <p>24 Q. Between -- now that we've described it, between</p> <p>25 2009 and 2010, are you aware of any specific instances</p>



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1 of voter fraud that helped to form your basis on voter
2 ID?

3 A. No, not a specific case or docket number or court
4 number.

5 Q. Investigation, prosecution?

6 A. No.

7 Q. Conviction?

8 A. No.

9 Q. So in 2010, you indicated that your campaign
10 supported voter ID. And we've walked through, during
11 this deposition, your understanding, your awareness of
12 both voter ID and voter fraud. Can you tell me, for the
13 record, what you are basing your position on, and this
14 is prior to becoming a legislator, what you're basing
15 your position on in supporting voter ID?

16 A. To build the confidence of an electorate who felt
17 that there is and to instill integrity into the system
18 that my voters felt were being compromised.

19 Q. You said, "to build confidence in a system." Did
20 you have any communication that would support that there
21 was a lack of confidence in the election system because
22 of voter fraud?

23 A. If I can correct you?

24 Q. Sure.

25 A. I said it was integrity of the system and it was

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1 the confidence of the people.

2 Q. So the integrity of the system. Did you have
3 any -- and information or communication that would
4 support that there was a concern about the integrity of
5 the system?

6 A. The people in House District 52 said they were
7 concerned about it.

8 Q. And in House District 52, which is Williamson
9 County, correct?

10 A. Yes.

11 Q. Are you aware of any investigations, actual
12 investigations related to voter fraud?

13 A. No.

14 Q. Are you aware of any actual convictions related
15 to voter fraud?

16 A. No.

17 Q. Are you aware of any actual investigations
18 related to voter fraud?

19 A. No.

20 Q. Are you aware of any actual allegations related
21 to voter fraud?

22 A. No.

23 Q. And so do you believe that there was a basis of
24 concern when you were a candidate hearing individuals
25 speak about voter fraud even though you didn't have

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1 any -- any actual source of information? Do you believe
2 that there was an actual basis for this voter fraud?

3 MR. McKENZIE: Can I ask a clarifying
4 question real quick?

5 MR. GEAR: Sure.

6 MR. McKENZIE: We're talking about at the
7 time as a candidate and not as a legislator.

8 MR. GEAR: Yes. We are.

9 MR. McKENZIE: Okay.

10 A. They expressed a concern for that and I told them
11 I would help them.

12 Q. (By Mr. Gear) I'm asking what you believed as a
13 candidate in 2010, did you -- did you believe that voter
14 fraud was a problem in House District 52?

15 A. I've never known it to be in House District 52 --
16 a problem in House District 52.

17 Q. Do you believe that voter fraud was a problem in
18 the State of Texas?

19 A. Could have been. I don't -- I don't know that we
20 discussed any kind of case or court number or docket
21 number. But, you know, enough people expressed concern
22 about it to me. And I told them that we would work on
23 it.

24 Q. And what did you tell them that you would work
25 on?

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1 A. That we'd support a piece of legislation that had
2 a voter ID requirement to vote.

3 Q. Did your -- did your views of minority voters
4 play any role in taking a position on supporting voter
5 ID?

6 A. No.

7 Q. Did you -- so other than general fairs expressed
8 in the public adds, and as you described it, by news,
9 you're often unaware of any actual investigations,
10 convictions, prosecutions, allegations of voter fraud?

11 MR. McKENZIE: Again as a candidate,
12 correct?

13 MR. GEAR: Yes.

14 A. No.

15 Q. (By Mr. Gear) Once you became a House member in
16 House District 52, did you undertake any process of
17 determining if voter fraud was a problem in the State of
18 Texas?

19 MR. McKENZIE: I'm going to object on the
20 grounds of privilege about what his process is --

21 MR. GEAR: I'm not tying -- I'm sorry. I'm
22 sorry. I'm not tying this into legislation.

23 BY MR. GEAR:

24 Q. We've -- we've talked about voter fraud for some
25 time on -- in your deposition and I want to understand



<p style="text-align: center;">93</p> <p>1 what it is that you actually know. We don't have to tie</p> <p>2 it to legislation. So again, I just want to be clear on</p> <p>3 that. Do you understand or did you take any steps to</p> <p>4 understand whether or not voter fraud is actually a</p> <p>5 problem in the State of Texas?</p> <p>6 MR. McKENZIE: Can we go off the record? I</p> <p>7 don't want to take your record time.</p> <p>8 MR. GEAR: Sure.</p> <p>9 (Discussion off the record.)</p> <p>10 BY MR. GEAR:</p> <p>11 Q. Now, specifically I asked once you became a</p> <p>12 representative for House District 52, did you or your</p> <p>13 staff undertake any effort to determine if voter fraud</p> <p>14 was a real problem in the State of Texas?</p> <p>15 A. I'm going to invoke privilege there because you</p> <p>16 just said as a member. So I'm invoking that privilege.</p> <p>17 Q. The question is, did you undertake any effort to</p> <p>18 determine if voter fraud was a problem. That's a yes or</p> <p>19 no question?</p> <p>20 A. I'm going to invoke that privilege if you're</p> <p>21 talking about as a member because that's what you say</p> <p>22 that's how you phrased the question was as a member.</p> <p>23 Q. I'm not asking you about the substance. I'm</p> <p>24 asking about did you as a member of House District 52 --</p> <p>25 have you or your staff conduct any analysis of the issue</p>	<p style="text-align: center;">95</p> <p>1 A. Not to my recollection at all.</p> <p>2 Q. Okay. Now, we've gone through a series of</p> <p>3 different employers. We did the House, we did the</p> <p>4 Attorney General's office. Is there any other</p> <p>5 employment that -- that you described for me on the</p> <p>6 record? I believe there is.</p> <p>7 A. Oh, Texas State University System.</p> <p>8 Q. Thank you?</p> <p>9 A. There you go.</p> <p>10 Q. Can you tell me what that employment involved?</p> <p>11 A. Sure. The title was assistant vice chancellor</p> <p>12 for government relations.</p> <p>13 Q. And was that part of the university?</p> <p>14 A. It's the university system. So the university</p> <p>15 system is comprised of eight colleges an universities.</p> <p>16 Q. Okay. And just briefly, would your</p> <p>17 responsibilities in the position with Texas State, would</p> <p>18 that have involved any issues of voter fraud?</p> <p>19 A. No.</p> <p>20 Q. Would that have involved any issues of voter ID?</p> <p>21 A. No, sir.</p> <p>22 Q. In your experience with the university system are</p> <p>23 you familiar with student IDs?</p> <p>24 A. Yes.</p> <p>25 Q. And do you have an opinion as to whether or not</p>
<p style="text-align: center;">94</p> <p>1 of voter fraud and whether or not it was a problem in</p> <p>2 the State of Texas?</p> <p>3 A. My work as a member, I'm going to the claim</p> <p>4 privilege.</p> <p>5 Q. Are you refusing to answer based on the advice of</p> <p>6 your counsel?</p> <p>7 A. I'm refusing to answer based on that's privileged</p> <p>8 work as a member.</p> <p>9 Q. Do you know of any studies or analysis on the</p> <p>10 issue of voter fraud that are not privileged and that</p> <p>11 would be public?</p> <p>12 A. Not off the top of my head. I couldn't give you</p> <p>13 any kind of cite or source or anything like that.</p> <p>14 Q. Well, in -- this is the time for me to understand</p> <p>15 what you know. So I would like you the take your time</p> <p>16 with that answer. And let me ask that again and see if</p> <p>17 we can get a clear answer?</p> <p>18 A. Okay.</p> <p>19 Q. Do you know of any studies or analysis related to</p> <p>20 voter fraud in the State of Texas that would be part of</p> <p>21 a public record?</p> <p>22 A. I couldn't tell you of one. I can't cite for you</p> <p>23 anything that I've read.</p> <p>24 Q. Have you reviewed any part of the public record,</p> <p>25 studies or analysis that relate to voter fraud?</p>	<p style="text-align: center;">96</p> <p>1 student IDs would be an appropriate form of</p> <p>2 identification based on your experience at -- at -- in</p> <p>3 the university system in voting in the State of Texas?</p> <p>4 A. Not in that capacity, no.</p> <p>5 Q. Well, do you understand process for students to</p> <p>6 obtain student IDs?</p> <p>7 A. I don't know that it's consistent so I would say</p> <p>8 no.</p> <p>9 Q. Do you -- well, let me put it in -- let me put</p> <p>10 into context. Do you understand that SB 14 allows for</p> <p>11 military IDs?</p> <p>12 A. Yes.</p> <p>13 Q. Can you describe for me what a military ID is?</p> <p>14 A. A State issued identification card with the</p> <p>15 personnel photo on it, military personnel photo on it.</p> <p>16 Q. Are college IDs, are they State issued IDs?</p> <p>17 A. Depends on what college they go to.</p> <p>18 Q. Okay. A military card, do you know what's on the</p> <p>19 front of it?</p> <p>20 A. Photo, branch of service, rank. Those are the</p> <p>21 only three I can name off the top of my head.</p> <p>22 Q. Were you in the military by any chance?</p> <p>23 A. I currently serve in the Guard.</p> <p>24 Q. You currently serve in the Guard and you have a</p> <p>25 military ID?</p>



<p style="text-align: center;">97</p> <p>1 A. I do.</p> <p>2 Q. Do you understand that there are multiple forms</p> <p>3 of military ID?</p> <p>4 A. No.</p> <p>5 Q. There's only one form of military ID?</p> <p>6 A. No. The question was, do I understand that. I</p> <p>7 don't understand that.</p> <p>8 Q. So as a member of the Guard, are there different</p> <p>9 forms of military ID for the Guard?</p> <p>10 A. From each other?</p> <p>11 Q. Yes.</p> <p>12 A. I don't know. The IDs I've seen of my fellow</p> <p>13 Guard members look just like mine.</p> <p>14 Q. Have you seen IDs of different branches such as</p> <p>15 Army, Navy, Marines?</p> <p>16 A. No.</p> <p>17 Q. Did you ever undertake an effort to determine if</p> <p>18 military IDs are consistent across the board?</p> <p>19 A. No.</p> <p>20 Q. Did you consider that during the legislative</p> <p>21 debates on SB 14?</p> <p>22 A. No.</p> <p>23 MR. McKENZIE: Objection.</p> <p>24 BY MR. GEAR:</p> <p>25 Q. Was that topic of public debate during SB 14?</p>	<p style="text-align: center;">99</p> <p>1 A. Yes, I am.</p> <p>2 (Exhibit No. 29 marked.)</p> <p>3 BY MR. GEAR:</p> <p>4 Q. I'm showing you what's been marked as Exhibit No.</p> <p>5 29. I just like you to take a look -- second and then</p> <p>6 we'll talk about it.</p> <p>7 A. Okay.</p> <p>8 Q. What is this?</p> <p>9 A. Okay.</p> <p>10 Q. Have you had an opportunity to review Exhibit 29?</p> <p>11 A. I'm just now, yes, sir.</p> <p>12 Q. Okay. Can you tell me what this is?</p> <p>13 A. It is a Senate Bill to be entitled An Act</p> <p>14 Requiring a Voter to Present Proof of Identification.</p> <p>15 Q. Okay. And it's titled Senate Bill No. 362?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And can you tell me who the authors of this bill</p> <p>18 were?</p> <p>19 A. The authors appear to be Fraser, Estes, Nelson,</p> <p>20 and Nickels.</p> <p>21 Q. And do you know when this bill was offered?</p> <p>22 A. I -- I don't. Is it the companion to -- no, I</p> <p>23 guess I don't.</p> <p>24 Q. Okay. Let me see if I can give you something to</p> <p>25 help refresh your recollection?</p>
<p style="text-align: center;">98</p> <p>1 A. No.</p> <p>2 Q. Military IDs?</p> <p>3 A. Yeah. I think. Yeah. Yeah.</p> <p>4 Q. And what was that topic of debate, what was the</p> <p>5 substance discussion?</p> <p>6 A. Wow. I don't recall on the floor quotes or in</p> <p>7 the record what people said. I can't recall for you</p> <p>8 verbatim type of stuff. One of the exceptions being</p> <p>9 discussed was a military ID. That's generally what</p> <p>10 we're talking about. But I can't tell you specifically</p> <p>11 what the arguments. I don't remember that.</p> <p>12 Q. What's your position on -- on military ID and</p> <p>13 voting in the State of Texas?</p> <p>14 MR. McKENZIE: I would object to the extent</p> <p>15 it reveals privileged thoughts or communications.</p> <p>16 A. And I'll take -- I'll invoke that.</p> <p>17 Q. As a -- as a member of the Guard, do you believe</p> <p>18 it's appropriate for a member of the military to be</p> <p>19 allowed to present photo ID and vote?</p> <p>20 MR. McKENZIE: Again, that's the same</p> <p>21 objection as he's currently serving in the Guard as he</p> <p>22 was a legislator. You may answer.</p> <p>23 BY MR. GEAR:</p> <p>24 Q. Are you refusing to answer the question based on</p> <p>25 the advice of your counsel?</p>	<p style="text-align: center;">100</p> <p>1 (Exhibit No. 106 was marked.)</p> <p>2 BY MR. GEAR:</p> <p>3 Q. I'm showing you what's been previously marked in</p> <p>4 other depositions as Exhibit 106. Do you see up in the</p> <p>5 left-hand corner that this addresses SB 362.</p> <p>6 A. Yes.</p> <p>7 Q. And it's part of the legislative session -- 81st</p> <p>8 legislative session?</p> <p>9 A. Yes.</p> <p>10 Q. And again, it indicates that the -- who the</p> <p>11 authors are up in the --</p> <p>12 A. Yes. Authors and co-authors.</p> <p>13 Q. And is that consistent with the --</p> <p>14 A. The bill doesn't say who the co-authors are, but</p> <p>15 the same four names.</p> <p>16 Q. Okay. And so does this help you understand what</p> <p>17 you're actually looking at in front of you?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And so can you describe what you're</p> <p>20 looking at for the record?</p> <p>21 A. A bill to be entitled An Act Relating to</p> <p>22 Requiring a Voter to Present Proof of Identification.</p> <p>23 Q. And do you understand that this is the voter ID</p> <p>24 bill that was offered in 2009 as SB 362?</p> <p>25 A. I would have to take your word on it. I didn't</p>



<p style="text-align: center;">101</p> <p>1 recognize it when you gave it to me.</p> <p>2 Q. Well, are you familiar with Exhibit 106 which is</p> <p>3 the Texas Legislature online history?</p> <p>4 A. No. Not until you just gave it to me.</p> <p>5 Q. Okay. You've -- you've never went online to look</p> <p>6 at the online history of a bill?</p> <p>7 A. Online history of a bill? Yes.</p> <p>8 Q. Okay. And is it similar to what you're looking</p> <p>9 at here?</p> <p>10 A. Depending on the website, yeah.</p> <p>11 Q. Okay. Do you have any reason to believe that</p> <p>12 what you're looking at is not SB 362 --</p> <p>13 A. No. No.</p> <p>14 Q. Which is offered in 2009?</p> <p>15 A. No.</p> <p>16 Q. Okay. So just -- just briefly, turning your</p> <p>17 attention back to Exhibit 29?</p> <p>18 A. Okay.</p> <p>19 Q. I'd like you to turn to Section 63.0101, which is</p> <p>20 Page 5?</p> <p>21 A. Okay.</p> <p>22 Q. Do you see that?</p> <p>23 A. I do. Line 19 I have.</p> <p>24 Q. And that deals with documentation and proof of</p> <p>25 identifications.</p>	<p style="text-align: center;">103</p> <p>1 or personal identification card issued to the person by</p> <p>2 the Department of Public Safety that has not expired or</p> <p>3 that has expired no earlier than two years before the</p> <p>4 date of presentation. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And then turning the page to Page 6, SB 362 would</p> <p>7 have allowed a United States military identification</p> <p>8 card that contains the person's photograph?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Section 3, it would have allowed United</p> <p>11 States citizenship certificate issued to the person that</p> <p>12 contains a person's photograph. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Section 4, United States passport issued to the</p> <p>15 person. Do you see that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Section 5, license to carry a concealed hand gun</p> <p>18 issue to the person by the Department of Public Safety.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Or as we described before a valid identification</p> <p>22 card that contains the person's photograph and issued by</p> <p>23 an agency or institution of the federal government. Do</p> <p>24 you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">102</p> <p>1 A. Yes.</p> <p>2 Q. And just going through this briefly.</p> <p>3 A. Uh-huh.</p> <p>4 Q. Do you understand that SB 362 would have allowed</p> <p>5 a valid identification card that contains a person's</p> <p>6 photograph and issued by an agency or institution of the</p> <p>7 federal government or an agency, institution or</p> <p>8 political subdivision of the State?</p> <p>9 A. I don't see that. What line are you on?</p> <p>10 Q. That would be Page 6.</p> <p>11 A. Okay.</p> <p>12 Q. I believe it's Section 6.</p> <p>13 MR. McKENZIE: Line 14.</p> <p>14 MR. GEAR: Line 14. Thank you.</p> <p>15 THE WITNESS: Line 14. My line 14 is</p> <p>16 crossed out.</p> <p>17 MR. McKENZIE: It's just below it. Line 16.</p> <p>18 THE WITNESS: Oh, so 16. Okay.</p> <p>19 BY THE WITNESS:</p> <p>20 A. A valid identification card that contains the</p> <p>21 person's photograph and is issued by agency or</p> <p>22 institution of federal government or agency and</p> <p>23 institution or political subdivision of the State.</p> <p>24 Q. Okay. And turning back to Page 5, Section A1</p> <p>25 that SB 362 would have also allowed a driver's license</p>	<p style="text-align: center;">104</p> <p>1 Q. An agency, institutional political subdivision of</p> <p>2 the State, you also see that?</p> <p>3 A. Yes.</p> <p>4 Q. An then it also goes on the say that the</p> <p>5 following documentation is acceptable as proof of</p> <p>6 identification under this chapter. And that would be</p> <p>7 Section B on line 22. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And on Page 6, Section 1, the voters -- voter</p> <p>10 registration certificate or -- and it lists a number of</p> <p>11 other allowable forms of identification. Do you see</p> <p>12 that?</p> <p>13 A. Uh-huh.</p> <p>14 Q. And do you understand this to be the allowable</p> <p>15 forms of identification under SB 362?</p> <p>16 A. Yes.</p> <p>17 Q. And that bill was -- was offered as a photo --</p> <p>18 photo identification bill?</p> <p>19 A. I'll take your word for that.</p> <p>20 Q. During your time as a legislature -- legislator</p> <p>21 did you ever engage in any discussions regarding SB 362</p> <p>22 or HB -- HB 1706, which was a 2005 bill marked as</p> <p>23 Exhibit 44?</p> <p>24 MR. McKENZIE: You can answer whether there</p> <p>25 was a discussion or not. Substance of discussions is</p>



<p style="text-align: center;">105</p> <p>1 totally privileged it's not public. So you can say yes</p> <p>2 or no as to whether a discussion took place.</p> <p>3 A. Never had a discussion on Senate Bill 362.</p> <p>4 Q. Did you have a discussion on HB 1706?</p> <p>5 A. No, sir.</p> <p>6 (Exhibit No. 28 was marked.)</p> <p>7 BY MR. GEAR:</p> <p>8 Q. I'm showing you what's been marked as Exhibit 28</p> <p>9 and asking you to take some time to take a look at it</p> <p>10 and then we'll talk about it?</p> <p>11 A. Okay.</p> <p>12 (Exhibit No. 102 was marked.)</p> <p>13 BY MR. GEAR:</p> <p>14 Q. Have you had some time to look at that?</p> <p>15 A. I've had some time. I'm not finished. Okay.</p> <p>16 Q. Have you seen this document before?</p> <p>17 A. No, sir.</p> <p>18 Q. Showing you what's been marked as Exhibit</p> <p>19 No. 102?</p> <p>20 A. Okay.</p> <p>21 Q. And for the record, this is the Texas Legislature</p> <p>22 online history for HB 218 which is dated the last</p> <p>23 section of the bill is dated 5/16/2007. Do you see</p> <p>24 that?</p> <p>25 A. Last section. 5/16/2007, yes.</p>	<p style="text-align: center;">107</p> <p>1 proof of identification, do you see that?</p> <p>2 A. Not yet. Okay.</p> <p>3 Q. Similar to SB 362 and HB 1706, this also goes</p> <p>4 through a list of allowable forms of ID. Do you see</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. And similar to the bills which I've -- I've just</p> <p>8 discussed this allows for a driver's license or a State</p> <p>9 issued ID by the -- by DPS? If you look at Section 1 --</p> <p>10 or line 17 on Page 9.</p> <p>11 A. Yes.</p> <p>12 Q. And it allows for the presentation of a driver's</p> <p>13 license or State ID that has expired no earlier than</p> <p>14 two years before the date of presentation. Do you see</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. It also allows for a United States military</p> <p>18 identification card? Line 23, Section 2 that contains a</p> <p>19 person's photograph.</p> <p>20 A. Is that a question?</p> <p>21 Q. Yes.</p> <p>22 A. What was the question?</p> <p>23 Q. Does it also allow for a United States military</p> <p>24 identification card that contains a person's photograph?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">106</p> <p>1 MR. McKENZIE: Counsel, do you have a copy.</p> <p>2 MR. GEAR: I am so sorry.</p> <p>3 MR. McKENZIE: Thank you.</p> <p>4 BY MR. GEAR:</p> <p>5 Q. And this is for the 80th Legislature?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And do you see who the authors are on this</p> <p>8 bill?</p> <p>9 A. Yes.</p> <p>10 Q. Can you tell me who the authors are?</p> <p>11 A. The authors are Betty Brown, Bereman, Bohac and</p> <p>12 Riddle. And the co-authors are Aycok, Christian,</p> <p>13 Darby, Harless, Harper-Brown, King, Laubenberg,</p> <p>14 Mesillis, Miller, Paxton, Taylor, and Zedler.</p> <p>15 Q. All right. So I gave you Exhibit 102 because I</p> <p>16 wanted -- wanted to see if that would help put</p> <p>17 Exhibit 28 into context. Do you understand Exhibit 28,</p> <p>18 which is House Bill 218, to be a bill authored by Betty</p> <p>19 Brown and others during the 80th Legislature?</p> <p>20 A. Yes.</p> <p>21 Q. And do you understand House Bill No. 218 to be a</p> <p>22 bill related to voter ID?</p> <p>23 A. Yes.</p> <p>24 Q. And again, turning your attention to, let's see,</p> <p>25 I believe it's Page -- Page 9, 63.0101 documentation of</p>	<p style="text-align: center;">108</p> <p>1 Q. All right. And as far as military identification</p> <p>2 cards, do you know if non-citizens are issued military</p> <p>3 ID cards, can be issued military ID cards?</p> <p>4 A. I don't know.</p> <p>5 Q. In your service in the Guard, are you aware of</p> <p>6 any non-citizens who are serving for the United States</p> <p>7 military?</p> <p>8 A. No.</p> <p>9 Q. Do you know if you have to be a citizen to serve</p> <p>10 in the United States military?</p> <p>11 A. I don't.</p> <p>12 Q. Turning your attention back to Exhibit 28,</p> <p>13 Section 3 on Page 9, it allows for valid employee</p> <p>14 identification card that contains the person's</p> <p>15 photograph and is issued by the employer of the person</p> <p>16 in the ordinary course of the employer's business. Do</p> <p>17 you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Section 4, line 5 on Page 10, it indicates that</p> <p>20 United States citizenship should -- citizenship</p> <p>21 certificate issued to the person that contains a</p> <p>22 person's photograph, do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Section 5 on Page 10, United States passport</p> <p>25 issue to the person, do you see that?</p>



<p style="text-align: center;">109</p> <p>1 A. Yes.</p> <p>2 Q. A student identification card issued by a public</p> <p>3 or private institution of higher education, located in</p> <p>4 the United States that contains the person's photograph.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Section 7, license to carry a concealed handgun</p> <p>8 issued to the person by the Department of Public Safety.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have any idea how many individuals in the</p> <p>12 State of Texas carry a concealed handgun license?</p> <p>13 A. No.</p> <p>14 Q. Do you have any idea if the number of Hispanics</p> <p>15 who can carry a concealed handgun license in the State</p> <p>16 of Texas?</p> <p>17 A. No.</p> <p>18 Q. Do you have any idea the number of</p> <p>19 African-American that carry a concealed handgun license</p> <p>20 in the State of Texas?</p> <p>21 A. No.</p> <p>22 Q. During the legislative debate on SB 14, was the</p> <p>23 issue of concealed handgun licenses debated?</p> <p>24 MR. McKENZIE: Objection. Public stuff you</p> <p>25 can talk about.</p>	<p style="text-align: center;">111</p> <p>1 A. I don't know that.</p> <p>2 Q. Do you know if a concealed handgun license for</p> <p>3 someone in the military, such as yourself, is different</p> <p>4 from a can sealed handgun license from a representative</p> <p>5 of the House?</p> <p>6 A. I don't know that.</p> <p>7 Q. Do you know if there is any consistency in what a</p> <p>8 concealed handgun license looks like in the State of</p> <p>9 Texas. Is there any inconsistency that you're aware of?</p> <p>10 A. I'm not aware of any inconsistencies in CHL's.</p> <p>11 Q. Okay. But you're not aware of whether or not the</p> <p>12 concealed handgun license for a police officer may be</p> <p>13 different than the concealed handgun license that you</p> <p>14 have?</p> <p>15 A. Yeah, I don't know.</p> <p>16 Q. Section 8 deals with valid identification cards</p> <p>17 that contains the person's photograph and it's issued by</p> <p>18 an agency or institution of the federal government. Do</p> <p>19 you see that?</p> <p>20 A. Uh-huh.</p> <p>21 Q. And Section B is an agency institution or</p> <p>22 political subdivision of the State. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And then it goes on to say the following -- in</p> <p>25 Section B, line 20, the following documentation is</p>
<p style="text-align: center;">110</p> <p>1 BY MR. GEAR:</p> <p>2 Q. Well, let's start with the public record. Was</p> <p>3 the issue of concealed handguns debated during the</p> <p>4 legislative debate on SB 14?</p> <p>5 A. Yeah, I'm -- I'm going to say it was. I don't</p> <p>6 recall specifically what we were talking about. But</p> <p>7 I -- it had to be if we're going through the list.</p> <p>8 Q. What does a concealed handgun license look like.</p> <p>9 Actually, let me -- strike that. Do you have a</p> <p>10 concealed handgun license?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know if there is a -- do you know,</p> <p>13 generally, what a concealed handgun license looks like?</p> <p>14 A. Yes.</p> <p>15 Q. Can you describe it for me?</p> <p>16 A. It has my photograph on it. Texas -- it says</p> <p>17 Texas concealed handgun license on there. It has all</p> <p>18 the markings of a -- of a State issue with a -- the</p> <p>19 paper of the stock, the seal, all that kind of stuff,</p> <p>20 not a hologram, but like a full stamp on it. Issued by</p> <p>21 the State of Texas. I couldn't tell you much else past</p> <p>22 that.</p> <p>23 Q. Do you know if a concealed handgun license for a</p> <p>24 police officer is different than a concealed handgun</p> <p>25 license for a representative of the House?</p>	<p style="text-align: center;">112</p> <p>1 acceptable as a proof of identification under this</p> <p>2 chapter. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And it allows, for instance, official mail</p> <p>5 addressed to the person by name from a governmental</p> <p>6 entity, correct?</p> <p>7 A. Yes.</p> <p>8 Q. A certified copy of the birth certificate or</p> <p>9 other documentation confirming birth that is admissible</p> <p>10 in the court of law and establishes a person's identity.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And the United States citizenship papers issued</p> <p>14 to the person. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And that citizenship paper does not need to</p> <p>17 contain a photograph. Are you aware of that?</p> <p>18 A. I have no idea.</p> <p>19 Q. Okay. But it does not say with photograph; is</p> <p>20 that correct?</p> <p>21 A. Oh --</p> <p>22 Q. I'm talking about --</p> <p>23 A. The actual language?</p> <p>24 Q. Yes, the actual language.</p> <p>25 A. It does not say that.</p>



<p style="text-align: center;">113</p> <p>1 Q. Okay. And just turning your attention back to</p> <p>2 line 7, Page 10, license to carry a concealed handgun.</p> <p>3 In the State of Texas can non-citizens obtain concealed</p> <p>4 hand guns?</p> <p>5 A. I don't know.</p> <p>6 Q. Have you ever explored that issue?</p> <p>7 A. No.</p> <p>8 Q. And again, do you understand this to be the</p> <p>9 allowable form of identification in HB No. 218 that was</p> <p>10 authored by Representative Brown and others?</p> <p>11 A. In the form that it is in front of me, yes.</p> <p>12 Q. And you've also looked at Exhibit 102 I</p> <p>13 believe -- I believe it's 106 -- is that HB 218.</p> <p>14 MR. McKENZIE: This is 106 right here.</p> <p>15 MR. GEAR: 106? That's 102. You're right.</p> <p>16 BY MR. GEAR:</p> <p>17 Q. So have you looked at Exhibit 102 and does that</p> <p>18 confirm for you that this is HB 218?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Have you ever had an occasion to -- go</p> <p>21 ahead. If you would like to talk to your attorney.</p> <p>22 A. Yeah. I'd like to.</p> <p>23 MR. McKENZIE: Can we break take a break off</p> <p>24 the record?</p> <p>25 MR. GEAR: Sure. Let's go off the record.</p>	<p style="text-align: center;">115</p> <p>1 MR. McKENZIE: You can answer, yes.</p> <p>2 THE WITNESS: I was making sure you had it</p> <p>3 in front of you. I was waiting for you.</p> <p>4 MR. McKENZIE: Oh, okay.</p> <p>5 A. Relating to requiring a voter to present proof of</p> <p>6 identification.</p> <p>7 Q. Anything else?</p> <p>8 A. In requiring a voter to present proof of</p> <p>9 identification.</p> <p>10 Q. And the question was anything else that you're</p> <p>11 aware of?</p> <p>12 A. No.</p> <p>13 Q. Okay. We've also gone through what's been marked</p> <p>14 as Exhibit No. 28. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And Exhibit 28 is HB 218, which was authored by</p> <p>17 Betty Brown, I believe. Can you tell me what the</p> <p>18 purpose of HB 218 was?</p> <p>19 A. Relating to requiring a voter to present proof of</p> <p>20 identification.</p> <p>21 Q. And you're just simply reading from the title of</p> <p>22 the bill or from the language in the bill?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Are you aware of any other purpose?</p> <p>25 A. I'm not aware.</p>
<p style="text-align: center;">114</p> <p>1 (Brief recess.)</p> <p>2 BY MR. GEAR:</p> <p>3 Q. Let's go back on the record. I want to take you</p> <p>4 back to 2010 when you were campaigning for House</p> <p>5 District 52. Did you seek out the opinion of the</p> <p>6 minority community in District 52 regarding the issue of</p> <p>7 voter ID?</p> <p>8 MR. McKENZIE: I'm going to object on vague</p> <p>9 about minority community. But go ahead and answer.</p> <p>10 BY MR. GEAR:</p> <p>11 Q. Well, let me clarify before you answer that.</p> <p>12 Minority community meaning the Hispanic and Black</p> <p>13 community?</p> <p>14 A. Okay, visiting with them, forums, events, things</p> <p>15 like that.</p> <p>16 Q. Specifically the -- the question is, did you seek</p> <p>17 out the opinion of the minority community, as I've now</p> <p>18 defined it for you, in House District 52 regarding the</p> <p>19 issue of voter ID?</p> <p>20 A. No.</p> <p>21 Q. We've gone through a series of bills during your</p> <p>22 deposition, one of which is HB -- HB 1706, which has</p> <p>23 been marked as Exhibit 44, which you had a chance to</p> <p>24 review. Can you tell me what the purpose of HB 1706 is?</p> <p>25 You can answer.</p>	<p style="text-align: center;">116</p> <p>1 Q. And we've also gone through SB 362. Do you see</p> <p>2 that exhibit?</p> <p>3 A. Yes.</p> <p>4 Q. And that Exhibit is Exhibit No. -- can you</p> <p>5 tell -- State that for the record. 29, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you had a chance to review that. Can you</p> <p>8 tell me what the purpose of SB 362 was?</p> <p>9 A. To require a voter to present proof of</p> <p>10 identification.</p> <p>11 Q. And again, you're reading from the language of</p> <p>12 SB 362, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. All right. Now, again, prior to being elected to</p> <p>15 House District 52, I'd like to ask you if you were aware</p> <p>16 of any concerns in House District 62 or -- or anywhere</p> <p>17 in Texas for that matter, of non-citizens or illegal</p> <p>18 aliens voting in elections in the State of Texas?</p> <p>19 A. Not specifically. Generally speaking, news what</p> <p>20 you hear on TV kind of stuff.</p> <p>21 Q. So you described in your deposition previously</p> <p>22 that you heard general information and voter fraud in</p> <p>23 the news. Would that be consistent with what you're</p> <p>24 testifying to now --</p> <p>25 A. Yes.</p>



<p style="text-align: center;">117</p> <p>1 Q. Regarding undocumented citizen -- non-citizens or</p> <p>2 illegal aliens voting?</p> <p>3 A. Yes.</p> <p>4 Q. You testified a little bit about the location of</p> <p>5 your office. I believe you said one was the capital</p> <p>6 office location?</p> <p>7 A. Right. Yes.</p> <p>8 Q. And can you tell me what the address of the</p> <p>9 capital office location is?</p> <p>10 A. 1401 North Congress, maybe, in Austin. State</p> <p>11 capital, so 14 -- I think it's 1401 North Congress.</p> <p>12 Q. Okay. And that's in Austin?</p> <p>13 A. Yes. Austin.</p> <p>14 Q. And you indicated there was another location.</p> <p>15 Can you identify that location for the record?</p> <p>16 A. Oh, my office.</p> <p>17 Q. Yes, sir.</p> <p>18 A. Okay. We have an office in Round Rock.</p> <p>19 Q. Focusing on your office in Austin, can you</p> <p>20 identify your staff that are employed in that office?</p> <p>21 A. Chris Sanchez, Courtney Forsell and Sara -- I</p> <p>22 don't know Sara's last name. Hidalman or Hinalman or</p> <p>23 something. I don't know. She's part-time.</p> <p>24 Q. Okay. So if I refer to her as Sara you would</p> <p>25 know who I'm speaking about?</p>	<p style="text-align: center;">119</p> <p>1 your Counsel and refusing to answer my question?</p> <p>2 A. Yes.</p> <p>3 Q. Did you publish any research analysis or analysis</p> <p>4 related to voter fraud as a result of research done in</p> <p>5 your office?</p> <p>6 A. I'll invoke that as well.</p> <p>7 MR. McKENZIE: It's published.</p> <p>8 BY MR. GEAR:</p> <p>9 Q. I'm asking did you publish public record?</p> <p>10 A. No.</p> <p>11 Q. Do you know of any research conducted on voter</p> <p>12 fraud regarding SB 14?</p> <p>13 MR. McKENZIE: Objection. You may answer to</p> <p>14 the extent there's public record on that.</p> <p>15 A. I'll kind of go back to the previous question.</p> <p>16 You said published, like a report. What are you asking</p> <p>17 me again.</p> <p>18 Q. Let me be clear. That's a fair question.</p> <p>19 Published or part of the public record during the</p> <p>20 legislative debate on SB 14.</p> <p>21 A. We sent out like an e-mail update that we did</p> <p>22 every week. So probably in -- in one, two of the</p> <p>23 updates, maybe. But that was just generally -- here's</p> <p>24 where we are.</p> <p>25 Q. Let's talk about the e-mail update for a second.</p>
<p style="text-align: center;">118</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And you identified Chris Sanchez as your</p> <p>3 chief of staff?</p> <p>4 A. Yes.</p> <p>5 Q. And as your chief of staff chat responsibilities</p> <p>6 does Chris Sanchez have?</p> <p>7 A. My legislative package, the bills that I author</p> <p>8 reviewing the calendar for the next day, like when they</p> <p>9 put out the calendar for what's coming up the next day,</p> <p>10 greet people when they come in and take their literature</p> <p>11 and visit with them about whatever they're going to</p> <p>12 visit with me about. And just generally knowing the</p> <p>13 legislative issues that are in front of us, I mean, just</p> <p>14 big picture stuff. That's his responsibility. So if I</p> <p>15 come in and ask him what's on this, you know, he should</p> <p>16 know that.</p> <p>17 Q. Okay. During the legislative debate for SB 14,</p> <p>18 did you direct any of your staff to research the issue</p> <p>19 of voter fraud?</p> <p>20 MR. McKENZIE: I'm going to object on the</p> <p>21 basis of legislative privilege those the extent it's not</p> <p>22 public. If it's public or general purpose you can</p> <p>23 answer.</p> <p>24 A. I'll take that privilege.</p> <p>25 Q. (By Mr. Gear) And are you following advice of</p>	<p style="text-align: center;">120</p> <p>1 You said "we sent out." Who is we?</p> <p>2 A. The office, my office.</p> <p>3 Q. And are you referring to both of your offices or</p> <p>4 one office in particular?</p> <p>5 A. The Round Rock office didn't exist during</p> <p>6 session.</p> <p>7 Q. Okay. Thank you for that clarification. So the</p> <p>8 Austin office -- office sent out an e-mail and that</p> <p>9 e-mail included issues on voter ID. Is that accurate?</p> <p>10 A. I wouldn't say that the Austin office did it. I</p> <p>11 would say that the Larry Gonzales campaign did it. It</p> <p>12 wasn't State computers. It wasn't State times. It</p> <p>13 wasn't like official, like it was in the capacity as a</p> <p>14 State rep.</p> <p>15 Q. Can you tell me when the e-mail was sent out?</p> <p>16 A. I have no idea.</p> <p>17 Q. Can you tell me the purpose of the e-mail?</p> <p>18 A. To let people know what's gone on with all the</p> <p>19 different areas we'd been talking about during session.</p> <p>20 Q. Was this during the 2011 session?</p> <p>21 A. Yes.</p> <p>22 Q. And was it sent out to your constituents?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you hesitated for a second. Was it</p> <p>25 second out to an audience broader than your constituents</p>



<p style="text-align: center;">121</p> <p>1 in House District 52?</p> <p>2 A. Yes.</p> <p>3 Q. And who did the e-mail include, what individuals?</p> <p>4 Let's start by that.</p> <p>5 A. Whoever signs up for it. I couldn't tell you who</p> <p>6 signed up for it.</p> <p>7 Q. What is that process?</p> <p>8 A. They go to the website and sign up for the</p> <p>9 newsletter.</p> <p>10 Q. And the website that you're referring to is that</p> <p>11 a website specific to the -- your elected position or is</p> <p>12 that a website specific to Larry Gonzales campaigning?</p> <p>13 A. It's through the campaign website.</p> <p>14 Q. Okay. So it's a privately owned website by you?</p> <p>15 A. Right. Well, the campaign.</p> <p>16 Q. Thank you for the clarification. Okay. And so</p> <p>17 you said e-mails. Was there more than one e-mail? Was</p> <p>18 there one e-mail?</p> <p>19 A. I said -- I said e-mails just to cover -- cover</p> <p>20 the basis because I can think of one, but I can't -- I</p> <p>21 don't know if there's anymore. So I said e-mails just</p> <p>22 in case there was two. But I couldn't tell you how many</p> <p>23 there were.</p> <p>24 Q. Okay. And so when you mentioned the e-mail that</p> <p>25 was sent out we were talking about voter fraud, correct?</p>	<p style="text-align: center;">123</p> <p>1 referring to?</p> <p>2 A. The process that you'll see if you look at the</p> <p>3 legislature online reports that you have given me.</p> <p>4 Q. And you're referring to Exhibit 102?</p> <p>5 A. Yeah. For this case, 102. If you look at this</p> <p>6 exhibit it walks you through the process of legislation.</p> <p>7 So the updates would just take whatever day that was and</p> <p>8 let people know where we were in the process.</p> <p>9 Q. Okay. Did you state a position in that e-mail to</p> <p>10 your constituent or the broader audience?</p> <p>11 A. I can't recall what those e-mails said.</p> <p>12 Q. And you can't recall the date?</p> <p>13 A. No.</p> <p>14 Q. You also mentioned Courtney Forsell. Can you</p> <p>15 tell me what her title or position?</p> <p>16 A. Courtney's title is legislative aid.</p> <p>17 Q. And what responsibilities does Courtney have in</p> <p>18 your office?</p> <p>19 A. Courtney answers the phones. Courtney works on</p> <p>20 case work that we defined earlier. And during session</p> <p>21 Courtney was responsible for my committee books. The</p> <p>22 books that -- for the specific committees that I served</p> <p>23 on. She prepared those for me.</p> <p>24 Q. Did any of her responsibilities include voter ID?</p> <p>25 A. No.</p>
<p style="text-align: center;">122</p> <p>1 A. Voter ID.</p> <p>2 Q. Okay. So the e-mail that went out is -- is</p> <p>3 related to voter ID and SB 14? And again the time</p> <p>4 frame --</p> <p>5 A. Yeah.</p> <p>6 Q. That I'm talking about is 2011.</p> <p>7 A. Yeah. I don't know specifically reference SB 14</p> <p>8 or if it was like bigger picture than that. I can't</p> <p>9 recall.</p> <p>10 Q. Okay. With that can you tell me what the</p> <p>11 substance of that e-mail was?</p> <p>12 A. Where we were in the process.</p> <p>13 Q. And where were you in the process at the time?</p> <p>14 A. I don't recall. Those updates just tell</p> <p>15 people -- as of today, here's where we are.</p> <p>16 Q. But it discussed voter ID, correct?</p> <p>17 A. Yes.</p> <p>18 Q. What topics did it discuss related to voter ID?</p> <p>19 A. Where we were in the process. I just remember</p> <p>20 the heading.</p> <p>21 Q. What did the heading say?</p> <p>22 A. It was talking about where we are today. Like</p> <p>23 the committee process or if it was on the floor, that</p> <p>24 kind of update.</p> <p>25 Q. And when you say "the process," what are you</p>	<p style="text-align: center;">124</p> <p>1 Q. Did any of her responsibilities include issues</p> <p>2 related to voter fraud?</p> <p>3 A. Well, I say that. If there was a case work where</p> <p>4 someone called.</p> <p>5 Q. When you say "case work," what do you mean?</p> <p>6 A. Well, we defined that already. Someone calls in</p> <p>7 the office and has questions.</p> <p>8 Q. Okay. I just wanted to make sure that we were on</p> <p>9 the same subject matter when we're talking about case</p> <p>10 work. Are you aware of any calls or case work that came</p> <p>11 in regarding the issue of voter ID or voter fraud?</p> <p>12 MR. McKENZIE: I'm going to object.</p> <p>13 A. I take privilege on that one.</p> <p>14 Q. (By Mr. Gear) When you searched the documents and</p> <p>15 in response to Exhibit 220, the deposition notice, did</p> <p>16 you produce any documents related to case work?</p> <p>17 A. I don't know.</p> <p>18 Q. There was one other employee that you mentioned,</p> <p>19 Sara. And you didn't know her last name, specifically.</p> <p>20 Can you tell -- I believe you said she was an intern?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And can you tell me what her responsibilities</p> <p>23 are?</p> <p>24 A. She answers the phone and gets whichever staffer</p> <p>25 she needs.</p>



<p style="text-align: center;">125</p> <p>1 Q. Okay. And just for the record, does Sara have</p> <p>2 any responsibilities related to voter ID?</p> <p>3 A. No.</p> <p>4 Q. Does Sara have any responsibilities related to</p> <p>5 voter fraud as we've defined it on the record?</p> <p>6 A. No.</p> <p>7 Q. And when responding to the notice of deposition,</p> <p>8 Exhibit 220, did anyone other than your chief of staff</p> <p>9 Mr. Sanchez search for documents in your Austin office?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Do you have a record retention policy in the</p> <p>12 Austin office?</p> <p>13 A. No. No.</p> <p>14 Q. Do you know what type of search Mr. Sanchez</p> <p>15 conducted in the Austin office? Specifically, did he</p> <p>16 look at electronic documents, did he look another paper</p> <p>17 documents, do you know?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you ask him specifically to search electronic</p> <p>20 documents?</p> <p>21 A. I asked him to search my e-mail because I was not</p> <p>22 in the office.</p> <p>23 Q. Okay. When you say "your e-mail," can you</p> <p>24 describe that a little more?</p> <p>25 A. That would be the official capital e-mail</p>	<p style="text-align: center;">127</p> <p>1 relate to voter ID?</p> <p>2 A. No.</p> <p>3 Q. And when I say "existence of e-mails," I mean</p> <p>4 e-mails that were either received or sent by you or</p> <p>5 anyone in your office?</p> <p>6 A. Just whatever Chris sent in. I don't know of</p> <p>7 anything.</p> <p>8 Q. When do you say "whatever Chris sent in," what</p> <p>9 are you referring to?</p> <p>10 A. The -- the request that the office received. And</p> <p>11 Chris produced the documents.</p> <p>12 Q. Are you aware of whether or not Mr. Sanchez</p> <p>13 search the paper files in your office?</p> <p>14 A. I'm not aware.</p> <p>15 Q. How do you maintain paper files in your office?</p> <p>16 A. They come in and the get filed under topic</p> <p>17 heading, I think.</p> <p>18 Q. Were you done? I'm sorry.</p> <p>19 A. Yea.</p> <p>20 Q. And tell me specifically in your office where do</p> <p>21 you maintain paper files?</p> <p>22 A. I have no idea. I don't do any of that?</p> <p>23 Q. You never walk to the file cabinet and pull out a</p> <p>24 paper?</p> <p>25 A. I don't do any of that.</p>
<p style="text-align: center;">126</p> <p>1 address.</p> <p>2 Q. Okay. And that's one that's -- is that one</p> <p>3 that's issued to you as a representative?</p> <p>4 A. Yes.</p> <p>5 Q. And do you have personal e-mail?</p> <p>6 A. Oh, yeah.</p> <p>7 Q. And did you ask him to search your personal</p> <p>8 e-mail or did you search your personal e-mails?</p> <p>9 A. No.</p> <p>10 Q. Did you have any personal e-mails that were</p> <p>11 relevant to the notice of deposition and request for</p> <p>12 documents?</p> <p>13 A. No, not aware of anything.</p> <p>14 Q. And did he find e-mails on the official capital</p> <p>15 e-mail address that were relevant to the request for</p> <p>16 documents in the notice of deposition?</p> <p>17 A. I'm not aware.</p> <p>18 Q. Are you aware of whether or not he produced</p> <p>19 e-mails?</p> <p>20 A. I'm not aware.</p> <p>21 Q. Well, when you looked at the -- the binder or the</p> <p>22 book as you described it that had ten documents or less,</p> <p>23 did you see any e-mails within that binder or book?</p> <p>24 A. No.</p> <p>25 Q. Are you aware of the existence of e-mails that</p>	<p style="text-align: center;">128</p> <p>1 Q. Do you have a file room for instance?</p> <p>2 A. No.</p> <p>3 Q. Do you have a file cabinet that sits outside in</p> <p>4 if foyer to your office? Where would the papers</p> <p>5 actually be maintained?</p> <p>6 A. In a filing cabinet the office.</p> <p>7 Q. Is that in a separate room by itself?</p> <p>8 A. No.</p> <p>9 Q. And I believe I asked you this, I'm sorry if I</p> <p>10 did. Do you know if Mr. Sanchez searched the file</p> <p>11 cabinet?</p> <p>12 A. I -- I don't know.</p> <p>13 Q. For documents related to voter ID?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you have a personal laptop?</p> <p>16 A. Not -- not anymore. I mean, I do, but it doesn't</p> <p>17 work. Hasn't worked in some time.</p> <p>18 Q. When did it stop working?</p> <p>19 A. The modem card for purposes of using it, you</p> <p>20 know, a year and a half ago, two years ago. It's not</p> <p>21 functional for any kind of purpose.</p> <p>22 Q. So prior to the 2011 session?</p> <p>23 A. Oh, oh, yeah. Yeah. That thing just sits at</p> <p>24 home now.</p> <p>25 Q. Do you have a work issued laptop?</p>



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1 A. I think we do. I think it's the one we use on
2 the floor.
3 Q. Do you have a work issued laptop?
4 A. I think so.
5 Q. Do you know if Mr. Sanchez searched the work
6 issued laptop for documents related to voter ID?
7 A. I don't know.
8 Q. Would he have access to that?
9 A. Yes.
10 Q. Did you personally search the work issued laptop
11 for documents related to voter ID?
12 A. No.
13 Q. Do you ever use your personal e-mail for work
14 purposes?
15 A. Not really. You mean for like with my staff. I
16 guess, can you explain?
17 Q. With your staff or the legislatures, executive
18 office, anyone related to the Texas government?
19 A. Oh, yeah. I get a lot of friends who are members
20 and, you know, we communicate all kinds of stuff.
21 Q. And it's your testimony today that you did not
22 search your personal e-mail to determine if you had any
23 documents relevant to our document request for photo ID?
24 A. That's correct.
25 Q. And why didn't you search your personal e-mail?

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1 A. Not used for that purpose.
2 Q. And again, let me understand, is it your
3 testimony that you receive documents or text, e-mails
4 from your staff on your personal phone?
5 A. Yeah.
6 Q. And did you receive e-mails from your staff or
7 texts from your staff during the legislative debate for
8 SB 14?
9 A. I wouldn't have any idea.
10 Q. Well, let's explore that for a second. Do you
11 e-mail while you're on the floor?
12 A. No, not really.
13 Q. How do you communicate with your staff while
14 you're on the floor?
15 A. Phone.
16 Q. Do you use your personal phone or do you use a
17 phone --
18 A. House phone.
19 Q. Okay. So in -- on the floor there's a House
20 phone you can use for those purposes?
21 A. That's correct.
22 Q. Do you have e-mail while you or on the floor to
23 your staff?
24 A. No, I can't think of hardly any reason why we did
25 that.

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1 Q. Do you ever text message while you're on the
2 floor to your staff?
3 A. Oh, I'm sure we to that.
4 Q. And have you -- and are you aware of any text
5 message that were related to SB 14 that you sent to your
6 staff?
7 A. Not aware at all.
8 Q. Do you have any off side storage facilities that
9 you send overflow papers or papers for any reason?
10 A. No. Personally, yes for my business, yes. But
11 not for legislative.
12 Q. And what business do you currently own?
13 A. Oh, I have a company called Lazarus Graphics.
14 Q. And in Lazarus Graphics, do you -- is there --
15 have you had occasion to print anything related to voter
16 ID?
17 A. No.
18 Q. Do you print on behalf of other candidates?
19 A. Yes.
20 Q. Have you used your business to print on your own
21 behalf regarding your own campaigns?
22 A. My campaign, yes.
23 Q. And is it your testimony that -- that either
24 yourself or other candidates have not used your business
25 for the purpose of printing communications that are --

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1 are first responsive to the notice of deposition and
2 related to voter ID?
3 A. I'm sorry. I didn't understand that at all.
4 Q. Okay. That's fair.
5 A. I didn't know what you were talking about.
6 Q. It was just kind of -- kind of long and
7 on-running. But are you testifying here today or is it
8 your position today that there -- that other candidates
9 who have used your business, your graphics business,
10 have not asked you or an employee of your business to
11 print documents, communications that are related to
12 voter ID?
13 A. I don't know how to claim a legislative privilege
14 there, but I would if I can because they are, in fact,
15 legislatures. And --
16 Q. But they're using your private business.
17 A. I'm a legislator and they're legislators. That's
18 a communication that I'm going to claim.
19 Q. I'm asking you, based on your private business,
20 have other legislators used your business to print
21 communications that are relevant -- I'm sorry. Relevant
22 is not a good word. That are related to voter ID?
23 A. I'm going to claim legislative privilege.
24 MR. McKENZIE: You can -- you can answer for
25 whether or not a document was printed. But going into



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1 the contents of the document or why it was printed or
 2 anything else is where we go on privilege.
 3 THE WITNESS: Well, there's also the who.
 4 MR. McKENZIE: The who is something you can
 5 talk about. It's not privileged.
 6 THE WITNESS: If they're a legislator?
 7 MR. McKENZIE: If they're a legislator you
 8 can still say who you talked to. Just can't say what
 9 they said.
 10 A. Yes.
 11 Q. (By Mr. Gear) Do you remember the date?
 12 A. Oh, no.
 13 Q. Do you remember who?
 14 A. No.
 15 Q. Who you published these documents for you printed
 16 these documents for?
 17 A. Not off the top of my head.
 18 Q. It was another legislator?
 19 A. Yes.
 20 Q. It was during the legislative debate for SB 14?
 21 A. No.
 22 Q. Was it related to a voter ID bill prior to SB 14?
 23 A. No.
 24 Q. Was it related to a voter ID legislation?
 25 A. No.

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1 Q. Was it related to voter ID?
 2 A. No.
 3 Q. Was it related to voter fraud?
 4 A. Yes.
 5 Q. Okay. What was the subject matter of the
 6 communication that you printed?
 7 MR. McKENZIE: I'm going to object on the
 8 basis of privilege. It goes into what was communicated.
 9 MR. GEAR: Wait a minute. If I understand
 10 his testimony correctly it was not related to SB 14.
 11 BY MR. GEAR:
 12 Q. But the printing job that you completed on behalf
 13 of another legislator; is that correct?
 14 A. Yes.
 15 Q. So this would have occurred before you were
 16 actually a legislator in House District 52?
 17 A. Not exclusively.
 18 Q. You've got to help me understand that, now. I
 19 asked for a time period. I asked you when. I asked you
 20 who. Is it your testimony that -- that the printing --
 21 strike that. When did the printing occur? Did it occur
 22 when you were an elected official or did it occur before
 23 you were an elected official?
 24 A. That question -- they're not mutually exclusive.
 25 Q. Well, were you an elected official at the time

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1 that you were asked to print documentation that was
 2 related to voter I did or voter fraud as you say?
 3 A. Yes.
 4 Q. You were --
 5 A. Yes.
 6 Q. You were an elected official?
 7 A. Yes. Yes.
 8 Q. You were elected in 2010?
 9 A. That's correct.
 10 Q. So now you remember when you actually completed
 11 the printing job?
 12 A. Oh, I have no idea when it was completed.
 13 Q. So is it your testimony that the printing job was
 14 done subsequent to 2010? Was it done in 2010?
 15 A. Yes. Well, I mean, it was ongoing. I mean, it's
 16 not like there's a job you have and you have to be done
 17 with it. It was prior to being elected. It was after
 18 being elected.
 19 Q. So that's the issue. It was an ongoing print
 20 job. Is that -- is that your testimony?
 21 A. I mean, or jobs, yeah.
 22 Q. So in 2010 prior to being -- being an elected
 23 official in House District 52, were you asked to print
 24 any communications related to voter fraud?
 25 A. Yes.

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1 Q. So focusing exclusively on the time period in
 2 2010 before you became an elected official, what was the
 3 subject matter of that print job?
 4 A. Voter fraud.
 5 Q. What was the subject matter? Beyond just voter
 6 fraud, what did it discuss? What was the topic?
 7 A. I don't write copy. It was voter fraud.
 8 Q. Did you produce the -- the print job, the
 9 communication in response to the notice of deposition?
 10 A. No, I don't think so.
 11 Q. Did the notice of deposition ask for public
 12 communication?
 13 A. Yeah.
 14 Q. Are you claiming legislative privilege on any
 15 documents that are related to voter fraud prior to you
 16 becoming a legislator?
 17 A. Yeah.
 18 Q. On what basis?
 19 A. It goes into my thought process, reasoning.
 20 Q. But you're not a legislator.
 21 A. Oh, but it's -- it affects decisions as a
 22 legislator.
 23 MR. GEAR: Counsel, I'd ask that those
 24 documents be produced to the Attorney General. I don't
 25 believe that they're covered under legislative



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<p style="text-align: center;">137</p> <p>1 privilege. It was prior to Representative Gonzales 2 becoming a legislator in the House. I would ask that 3 those documents be produced. 4 MR. McKENZIE: Okay. I will check with the 5 representative and see whether or not we have those in 6 our custody. And if we do have those in our custody, 7 we'll get them to you fast. And if we don't, I'll ask 8 when we can get them if he still has a copy of them. 9 MR. GEAR: Thank you. 10 BY MR. GEAR: 11 Q. I believe I asked you before, are you a member of 12 the Texas Conservative Coalition? 13 A. You didn't. And I think that I am. 14 Q. When did you become a member of the Texas 15 Conservative Coalition? 16 A. Well, they accept you upon your election before 17 swearing in. But you write your check, your dues, I 18 think once you're elected. I think I wrote the check 19 once you're elected. But you're officially part of the 20 caucus before you're sworn in. 21 Q. And can you tell me, does the Texas Conservative 22 Coalition have a Mission statement? 23 A. I have no idea. 24 Q. And has the Texas Conservative Coalition 25 addressed the issue of voter ID?</p>	<p style="text-align: center;">139</p> <p>1 were issued by the Texas Conservative Coalition. I 2 think it's a "yes" or "no" answer? 3 A. I'll take the privilege. 4 Q. (By Mr. Gear) Are you refusing to answer that 5 question based on advice of your counsel? 6 A. Yes. 7 Q. And are you -- you're refusing to answer that 8 question? 9 A. Yes. 10 Q. Okay. Are you aware of the existence of any 11 reports by the Texas Conservative Coalition that address 12 the issue of photo ID? 13 A. I have no idea. 14 Q. Have you reviewed any reports issued by the Texas 15 Conservative Coalition that relate to SB 14? 16 A. Not that I recall. 17 Q. Do you believe that compliance with the federal 18 voting rights act is an important consideration in the 19 law making process? 20 A. Yes. 21 Q. Have you yourself reviewed the provisions of the 22 Texas election code? 23 A. As per what section? 24 Q. The Texas election code. Specifically as it 25 relates to voter fraud.</p>
<p style="text-align: center;">138</p> <p>1 A. I would assume so, but I wouldn't have any idea 2 what that is. 3 Q. Have they publish any communication related to 4 voter ID? 5 A. I wouldn't have any idea. 6 Q. Does the Texas Conservative Coalition issue or 7 distribute floor reports to the House? 8 A. The Texas Conservative Coalition Research 9 Institute does, but not the Texas Conservative 10 Coalition. 11 Q. And is that affiliated with the Texas 12 Conservative Coalition? 13 A. Yes. 14 Q. And as a member of the Texas Conservative 15 Coalition, have you have reviewed any House -- any 16 research reports related to voter ID that were 17 distributed by the Texas Conservative -- 18 A. I have no idea. 19 Q. Coalition? 20 MR. McKENZIE: I'll object to the extent it 21 was during your time as a legislator and might reflect 22 your personal opinions, thoughts, and mental 23 impressions. 24 MR. GEAR: I'm just simply asking if he's 25 reviewed any documents related to photo -- voter ID that</p>	<p style="text-align: center;">140</p> <p>1 MR. McKENZIE: I'm going to object on the 2 grounds of privilege to the extent in played a part in 3 your deliberations to vote. 4 A. I'll take that privilege. 5 Q. (By Mr. Gear) You're refusing to answer that 6 question based on the advice of your counsel? 7 A. Yes, that's right. 8 Q. Under the current Texas State law, what forms of 9 identification be -- can be presented at the polling 10 place by a voter? 11 A. Oh, you've got your voter card, driver's license, 12 I think you can do like public utility bills, things 13 like that. Water bill, electric bill, power bill, 14 something like that. And that's all I can speak to. 15 Q. Under the current law do you know what the 16 penalties are for voter fraud? 17 A. No. 18 Q. Have you ever researched that issue? 19 A. No. 20 Q. Has anyone in your staff, in your office ever 21 researched that issue? 22 MR. McKENZIE: I'm going to object on the 23 grounds of privilege that it reflects your 24 deliberations. 25 A. I'll take that.</p>



<p style="text-align: center;">141</p> <p>1 Q. (By Mr. Gear) Are you aware that voter fraud</p> <p>2 under the current law carries a possible jail sentence?</p> <p>3 MR. McKENZIE: Same objection.</p> <p>4 A. Take that privilege.</p> <p>5 Q. (By Mr. Gear) Do you have an opinion as to</p> <p>6 whether or not a potential penalty of -- of prison and</p> <p>7 fine acts as a deterrent when it comes to voter fraud?</p> <p>8 MR. McKENZIE: Same objection.</p> <p>9 A. I'll take that privilege.</p> <p>10 Q. (By Mr. Gear) Are you refusing to answer that</p> <p>11 question based on the advice of your counsel?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know under the current law what the</p> <p>14 penalty is for a non-citizen to register to vote?</p> <p>15 MR. McKENZIE: Same objection.</p> <p>16 A. I'll take that.</p> <p>17 Q. (By Mr. Gear) What is it that you're taking?</p> <p>18 A. The legislative privilege.</p> <p>19 Q. And are you refusing to answer that question</p> <p>20 based on the advice of your counsel?</p> <p>21 A. Yes.</p> <p>22 MR. McKENZIE: I've been saying same</p> <p>23 objection a lot. Let me clarify, for the record. To</p> <p>24 the extent it reflects your deliberations and it's not</p> <p>25 public record, don't answer it. Or if it's public</p>	<p style="text-align: center;">143</p> <p>1 I have to let the witness make that call because I don't</p> <p>2 know what the witness knows.</p> <p>3 BY MR. GEAR:</p> <p>4 Q. Are you refusing to answer my question based on</p> <p>5 advice of your counsel?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. Can you obtain a Texas State ID if you're a</p> <p>8 non-citizen?</p> <p>9 MR. McKENZIE: Same objection.</p> <p>10 A. I'll take that legislative privilege.</p> <p>11 MR. BRAZIL: What was the last thing you</p> <p>12 said?</p> <p>13 A. Invoking that legislative privilege. Sorry.</p> <p>14 Q. (By Mr. Gear) So let me ask, do you know if a</p> <p>15 non-citizen can obtain a Texas driver's license in the</p> <p>16 State of Texas? And I don't believe that "do you know"</p> <p>17 questions are subject to a legislative privilege</p> <p>18 objection?</p> <p>19 MR. McKENZIE: I understand. And it's our</p> <p>20 position that his knowledge if acquired as part of the</p> <p>21 legislative process and part of his research on deciding</p> <p>22 whether or not to vote on a bill is where he got this</p> <p>23 information, then that would be privileged. But if it's</p> <p>24 not from that source and he just happens to know it and</p> <p>25 it's not something part of the legislative process then</p>
<p style="text-align: center;">142</p> <p>1 record you may answer it.</p> <p>2 BY MR. GEAR:</p> <p>3 Q. Does voting as a non-citizen carry any additional</p> <p>4 penalties under the Texas election code?</p> <p>5 MR. McKENZIE: It's the same objection.</p> <p>6 A. I'll take the same privilege, legislative</p> <p>7 privilege.</p> <p>8 Q. (By Mr. Gear) Do you know if -- if a non-citizen</p> <p>9 has the ability to obtain a driver's license in the</p> <p>10 State of Texas?</p> <p>11 MR. McKENZIE: Same objection.</p> <p>12 A. I'll take the same legislative privilege.</p> <p>13 MR. GEAR: I -- Counsel, I'm wondering how</p> <p>14 his knowledge of the Texas election code and its affect</p> <p>15 on non-citizens draws a legislative privilege objection.</p> <p>16 MR. McKENZIE: Well, to the extent it is</p> <p>17 considered information of that type. And to be fair, I</p> <p>18 don't know what the witness knows so I don't know if it</p> <p>19 does reflect it or not, but to the extent it does</p> <p>20 reflect it. His knowledge today may or may not have</p> <p>21 been acquired during a legislative session and it may be</p> <p>22 something he considered when he was voting. So I object</p> <p>23 to that extent. To the extent he didn't require it in</p> <p>24 that process or it doesn't affect his acts as a</p> <p>25 legislator, then he's free to answer. And I have to --</p>	<p style="text-align: center;">144</p> <p>1 he can answer.</p> <p>2 BY MR. GEAR:</p> <p>3 Q. All right. And are you refusing to answer that</p> <p>4 question based on the advice of your counsel?</p> <p>5 A. Yes.</p> <p>6 Q. And that was a yes?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Does having a State issued ID or do you know if</p> <p>9 having a State issued ID or a State issued -- in the</p> <p>10 form of a State issued driver's license or ID card --</p> <p>11 strike that question. Are you a registered voter in</p> <p>12 Williamson County?</p> <p>13 A. Yes.</p> <p>14 Q. When is the last time you voted?</p> <p>15 A. May the 15th of 2011.</p> <p>16 Q. Did you vote in person or by mail?</p> <p>17 A. In person.</p> <p>18 Q. And how far is your polling place away from your</p> <p>19 home?</p> <p>20 A. My polling place is a little over a mile. I did</p> <p>21 not vote at my polling place, though.</p> <p>22 Q. What did -- I'm sorry. I may not have heard the</p> <p>23 first part of your answer. Did you vote in person or</p> <p>24 did you vote by mail?</p> <p>25 A. In person.</p>



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1 Q. Okay. Can you tell me where you vote?
 2 A. I vote at Chisholm Trail Middle school.
 3 Q. And --
 4 A. Actually this year it was different. I voted at
 5 Precinct 38 votes at Restoration Covenant church.
 6 Q. And can you tell me why you did not vote at your
 7 regular polling place?
 8 A. Because I voted early.
 9 Q. Okay. So early voting would be a different
 10 location?
 11 A. Yes.
 12 Q. Okay. And how did you get there?
 13 A. I drove.
 14 Q. To the polling place?
 15 A. I drove.
 16 Q. Okay. And do you have a valid driver's license?
 17 A. Yes.
 18 Q. Where did you go to get your driver's license,
 19 your valid driver's license?
 20 A. I -- I don't recall. I don't recall.
 21 Q. Did you have to go to DPS?
 22 A. Yes. Yes. DPS.
 23 Q. Do you know how any DPS offices there are if
 24 Williamson County?
 25 A. I -- I don't know the answer to that.

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1 Q. Do you know what the operational hours are of the
 2 DPS offices in Williamson County?
 3 A. No.
 4 Q. Do you know if the DPS offices in Williamson
 5 County are full services offices?
 6 A. I don't know. I want to clarify. When you ask
 7 me where, the end decision is I don't know if it was at
 8 one location or the other. So I don't -- I can't
 9 remember if I was at the 183 location or the downtown
 10 Austin location.
 11 Q. And just so we're clear for the record, when you
 12 say "where," you're talking about voting?
 13 A. No. The -- getting the certificate, the DPS
 14 certificate -- DPS driver's license. You asked me where
 15 did I get it and it's one of those two locations.
 16 Q. Okay?
 17 A. Neither of which is in Williamson County.
 18 Q. I thought I previously asked you do you know the
 19 locations of the DPS offices and I understand your
 20 answer now because you said neither of them are in
 21 Williamson County. So is there a reason why you
 22 obtained your driver's license in the location other
 23 than Williamson County?
 24 A. Yes.
 25 Q. And what is that reason?

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1 A. Because I work downtown.
 2 Q. Okay. Do you know what the cost of renewing your
 3 driver's license was?
 4 A. No.
 5 Q. For a person who does not have a valid driver's
 6 license or State issued ID, do you know what
 7 documentation they would be required to bring to a DPS
 8 is office to get a driver's license or State issued ID?
 9 A. No.
 10 Q. Do you know what the cost, the underlying cost
 11 for those documents may be?
 12 A. No.
 13 Q. When you went to renew your driver's license, did
 14 you -- did you have to stand in a line to do it?
 15 A. Yes.
 16 Q. How long did it take from entering the door to --
 17 to the time you actually had card in hand?
 18 A. No idea.
 19 Q. Was it more than an hour?
 20 A. No idea.
 21 Q. How long was the line that you had to stand in?
 22 A. No idea.
 23 Q. What's the process for renewing your license?
 24 And I mean specifically when you get to DPS, what's the
 25 process that you have to go through?

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1 A. I cannot recall what I did.
 2 Q. Fair enough. Okay. Do you know if any DPS
 3 offices are being closed in the State of Texas due to
 4 the lack of funding?
 5 A. No idea.
 6 Q. Was the lack of funding for DPS offices discussed
 7 publicly during the legislative debate on SB 14?
 8 A. Not that I recall hearing that particular
 9 discussion. I don't have any recollection of that -- of
 10 that dialogue at all.
 11 Q. Was there any discussion during the public
 12 legislative debate regarding the burden that SB 14 may
 13 place on minority voters?
 14 A. Yes.
 15 Q. And specifically regarding the distances to DPS
 16 offices?
 17 A. Yes. Yes. Yes.
 18 Q. Can you tell me what that discussion was? And
 19 we're talking about the public debate?
 20 A. All I remember is Pete Gallego saying that it was
 21 going to be far, that in his district it's -- it's a
 22 long drive.
 23 Q. And that was Pete Gallego, Representative
 24 Gallego?
 25 A. Yes.



<p style="text-align: center;">149</p> <p>1 Q. And do you recall any public debate regarding</p> <p>2 some constituents that may be required to travel as far</p> <p>3 as 100 miles to renew or to obtain a driver's license?</p> <p>4 A. I couldn't tell you what number Pete used. I</p> <p>5 don't remember. I just remember it was far.</p> <p>6 Q. Do you have an opinion as to whether or not</p> <p>7 requiring individual to travel a far distance place as</p> <p>8 burden on them when it comes to voting?</p> <p>9 MR. McKENZIE: I'm going to object to the</p> <p>10 extent you developed an opinion during your time as a</p> <p>11 legislator. If you have an opinion separate and apart</p> <p>12 from that time you're free to answer.</p> <p>13 A. I'll take that legislative privilege.</p> <p>14 Q. (By Mr. Gear) Well, I'm asking you your opinion.</p> <p>15 And I want to be clear that you're not just asserting</p> <p>16 legislative privilege without considering and breaking</p> <p>17 out your knowledge based on public debate and your</p> <p>18 knowledge based on private debates that may have --</p> <p>19 private discussions that may have taken place during the</p> <p>20 legislative debate on SB 14. So I'm asking you to focus</p> <p>21 on your knowledge, your personal knowledge. Do you have</p> <p>22 an opinion as to whether or not requiring someone to</p> <p>23 travel a substantial distance to obtain a driver's</p> <p>24 license or a State issued ID imposes a burden on -- when</p> <p>25 required to vote?</p>	<p style="text-align: center;">151</p> <p>1 Q. And when did you have to go get one?</p> <p>2 A. Within a year and a half or so.</p> <p>3 Q. And do you recall -- do you recall what the cost</p> <p>4 of obtaining that birth certificate was?</p> <p>5 A. No.</p> <p>6 Q. Do you recall what underlying documents you</p> <p>7 needed to obtain a certified birth certificate?</p> <p>8 A. I was trying to think of that while you were</p> <p>9 asking the question. I have no idea why I was there</p> <p>10 now.</p> <p>11 Q. And when you say "you have no idea why you were</p> <p>12 there," you mean no idea what you took?</p> <p>13 A. I did -- I don't know why I was asking for it. I</p> <p>14 don't know the reason why I was asking for my birth</p> <p>15 certificate.</p> <p>16 Q. And that's a little different than the question</p> <p>17 which I asked which is, do you know what documentation</p> <p>18 you had to bring in order to obtain a certified copy of</p> <p>19 your birth certificate?</p> <p>20 A. Oh, I don't remember what I gave the clerk.</p> <p>21 Q. As you sit here today, you don't remember what</p> <p>22 underlying documentation you needed to present to obtain</p> <p>23 a copy of a certified birth certificate?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know if every county in the State of Texas</p>
<p style="text-align: center;">150</p> <p>1 MR. McKENZIE: Just make a quick objection.</p> <p>2 If -- if that opinion is not publish and was weighed by</p> <p>3 you in your decision to vote then I'm going to instruct</p> <p>4 you not to answer. If that opinion was not a factor in</p> <p>5 your decision to vote then you may answer.</p> <p>6 A. I'll invoke the legislative privilege.</p> <p>7 Q. (By Mr. Gear) Are you refusing to answer my</p> <p>8 question on the basis of advice from your counsel?</p> <p>9 A. Yes.</p> <p>10 Q. Do you currently possess a certified copy of your</p> <p>11 birth certificate?</p> <p>12 A. I -- I don't know. I don't know.</p> <p>13 Q. Do you know what you would have to go through to</p> <p>14 obtain a certified copy of a birth certificate in the</p> <p>15 State of Texas?</p> <p>16 A. No.</p> <p>17 Q. Do you know what the cost of obtaining a</p> <p>18 certified birth certificate is in the State of Texas?</p> <p>19 A. No.</p> <p>20 Q. Do you know where you would have to go to obtain</p> <p>21 a certified copy of your birth certificate in the State</p> <p>22 of Texas?</p> <p>23 A. I think you can go to Department of Health and</p> <p>24 Human Services. You know what, I do have one because I</p> <p>25 had to go get one.</p>	<p style="text-align: center;">152</p> <p>1 has a DPS office or an office where you can obtain a</p> <p>2 driver's license or a State issued identification card?</p> <p>3 A. I am not aware.</p> <p>4 Q. Do you know, or are you aware of counties which</p> <p>5 do not have a DPS is office?</p> <p>6 A. Not aware.</p> <p>7 Q. Was the discussion, and I'm talking about a</p> <p>8 public discussion, was there public discussion expressed</p> <p>9 during the legislative debates on SB 14 that addressed</p> <p>10 the issue of DPS offices and where they were located?</p> <p>11 A. There was a conversation. To the extent of what</p> <p>12 that was I -- I don't recall.</p> <p>13 Q. Would I be accurate to say that the public</p> <p>14 discussion during the legislative debate on SB 14</p> <p>15 identified our counties that did not have a DPS is</p> <p>16 office?</p> <p>17 A. Not that I can remember.</p> <p>18 Q. So as you sit here today, it's your testimony</p> <p>19 that you're not aware of any counties in the State of</p> <p>20 Texas that do not have a DPS office or an office where</p> <p>21 you can -- where you go to obtain a driver's license or</p> <p>22 a State issued ID?</p> <p>23 A. No. I have no idea.</p> <p>24 Q. Are you concerned that if SB 14 were implemented</p> <p>25 do you believe that that would cause a burden -- strike</p>



<p style="text-align: center;">153</p> <p>1 that. If, in fact, there are counties that do not have</p> <p>2 a driver's license office or a DPS is office, are you</p> <p>3 concerned that would impose a burden on individuals who</p> <p>4 would be required to obtain allowable forms of ID under</p> <p>5 SB 14 if they had to travel long distances to get there?</p> <p>6 A. Well, I'll take that privilege.</p> <p>7 MR. McKENZIE: You already testified, as far</p> <p>8 as I remember, that you didn't know that before. So</p> <p>9 it's not an opinion you would have developed on the part</p> <p>10 of the legislation.</p> <p>11 A. I don't -- I don't -- can you ask me the question</p> <p>12 again so I can make sure I understand it.</p> <p>13 MR. GEAR: Can you read that back?</p> <p>14 (Requested question was read.)</p> <p>15 MR. McKENZIE: Relevance objection. You may</p> <p>16 answer.</p> <p>17 A. No.</p> <p>18 Q. (By Mr. Gear) You're not concerned?</p> <p>19 A. No.</p> <p>20 Q. Were you an author or co-author of SB 14?</p> <p>21 A. I don't recall, but it's easy to find out.</p> <p>22 Q. Well, were you involved in the drafting of SB 14?</p> <p>23 A. No.</p> <p>24 Q. Were you involved in any communications regarding</p> <p>25 SB 14?</p>	<p style="text-align: center;">155</p> <p>1 the House chief clerk's office and you can sign up as a</p> <p>2 cosponsor.</p> <p>3 Q. Okay. And did you sign up as a cosponsor for</p> <p>4 SB 14?</p> <p>5 A. That's what I'm not sure about, but I would be</p> <p>6 happy to check. I just don't recall.</p> <p>7 Q. I think that was previously marked as Exhibit 5?</p> <p>8 (Exhibit No. 5 was marked.)</p> <p>9 A. Okay.</p> <p>10 Q. So I've handed you what's been marked as Exhibit</p> <p>11 No. 5. What is that?</p> <p>12 A. This is Senate Bill No. 14.</p> <p>13 Q. And so the question I had for you was were you a</p> <p>14 co-author of Senate Bill No. 14?</p> <p>15 A. Well, you would be a cosponsor of Senate Bill if</p> <p>16 you're in the House.</p> <p>17 Q. I stand corrected.</p> <p>18 A. A cosponsor. I need to look it up. I can look</p> <p>19 it up for you. I don't know. Can you give me a minute</p> <p>20 to look it up and then I could answer your question?</p> <p>21 Q. I don't mean to be difficult.</p> <p>22 A. I can look it up if you want me to. I'm not</p> <p>23 trying to not answer it. I don't know.</p> <p>24 Q. Okay. That's fair. And I apologize. I just</p> <p>25 didn't have it in front of me.</p>
<p style="text-align: center;">154</p> <p>1 A. No, sir.</p> <p>2 Q. As you sit here today, you don't know if you were</p> <p>3 an author or co-author of SB 14?</p> <p>4 A. No, but I could look it up for you.</p> <p>5 Q. We'll to that. I'm just trying to understand</p> <p>6 what you know. So what is the process, generally, for</p> <p>7 determining who will sponsor or cosponsor a bill in the</p> <p>8 House?</p> <p>9 A. Anybody can sponsor anything. Anybody can put</p> <p>10 their name on a draft and file it. So anybody can</p> <p>11 author whatever they want to author.</p> <p>12 Q. What about cosponsor, is there -- is there any</p> <p>13 process in place for determining who will cosponsor a</p> <p>14 bill?</p> <p>15 A. Well, cosponsor as a House member assumes it</p> <p>16 comes from the Senate itself, which is different from</p> <p>17 co-authoring.</p> <p>18 Q. Uh=huh.</p> <p>19 A. So cosponsor, to your question, when it comes</p> <p>20 over from the Senate there is a sheet in the chief</p> <p>21 clerk's office that you can sign up as co-op -- I mean,</p> <p>22 cosponsor.</p> <p>23 Q. So as I understand it there's a sheet in the</p> <p>24 Senate where you can sign up as a cosponsor?</p> <p>25 A. When the Senate Bill comes to the House you go to</p>	<p style="text-align: center;">156</p> <p>1 A. That's it. That's it.</p> <p>2 Q. Okay. I'm just going to show you this document.</p> <p>3 It's been previously introduced as Exhibit No. 8 in</p> <p>4 other depositions. And does that help refresh your</p> <p>5 recollection?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. And the answer is, yes, you were a cosponsor of</p> <p>8 SB 14?</p> <p>9 A. That is a cosponsor of SB 14, yes.</p> <p>10 Q. And can you identify who the author of SB 14 was?</p> <p>11 A. The author of Senate Bill 14 is Fraser, Birdwell,</p> <p>12 Corona, Dual, Duncan, Eltife, Estes, Harris, Haber,</p> <p>13 Huffman, Jackson, Nelson, Nichols, Ogden, Patrick,</p> <p>14 Seliger, Shapiro, Wentworth and Williams.</p> <p>15 Q. And SB 14 was passed in the Senate and then came</p> <p>16 to the House?</p> <p>17 A. Yes.</p> <p>18 Q. Can you tell me when it came to the House?</p> <p>19 A. When it came to the House or when it came to the</p> <p>20 House Committee? When it came to the House floor? What</p> <p>21 are you asking?</p> <p>22 Q. And let's just be clear. What is the process</p> <p>23 for -- what was the process for SB 14 when it passed the</p> <p>24 Senate?</p> <p>25 A. It is received by the House. It is assign -- it</p>



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1 is read aloud. It is assigned to committee. The
2 committee, if passes goes to a calendar committee, if
3 passes comes to the floor with a lot of variables in
4 between depending on what happened.

5 Q. Is that what happened with SB 14?

6 A. Let me check. I'm sure it did.

7 Q. Okay. And let me turn your attention back to the
8 actual bill which has been marked as Exhibit No. 5.

9 A. Okay.

10 Q. Can you tell me what the allowable forms of ID
11 are under SB 14?

12 A. Okay. In this version of Senate Bill 14 a
13 driver's license, election identification certificate,
14 personal identification card issued from Department of
15 Public Safety that hasn't expired or that expired no
16 earlier than 60 days before the date of presentation, a
17 United States military identification card with a
18 photograph on it that has not expired or that expired no
19 earlier than 60 days before the date of presentation, a
20 United States citizen certificate with a photograph of
21 the person. A passport that has not expired or that
22 expired no earlier than 60 days before date of
23 presentation. Concealed handgun license issued by
24 public safety that has not expired or that expired no
25 earlier than 60 days before date of presentation. I

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1 think this -- that's it.

2 Q. Now, previously during your deposition we went
3 through HB 1706 which was sponsored by Representative
4 Denny and others. We went through HB 218 and we went
5 through SB 362. Would you agree that the allowable
6 forms of ID in SB 14 are different than the allowable
7 forms of ID in the bills that I just referenced?

8 A. Hold on let me check. Well, let me look at them.
9 They all have a driver's license, they have a personal
10 identification card.

11 Q. But is it accurate to say that the driver's
12 license in SB 14 has an expiration date of no more than
13 60 days and the driver's license in all of the other
14 referenced ID bills has an expiration date to be
15 presented no more than two years?

16 A. Yes.

17 Q. And do you have an opinion as to -- strike that.
18 I think that's been asked and answered actually. Do you
19 see any -- any other differences as we're describing
20 this for the record, between SB 14 and the other bills
21 that I've referenced?

22 A. The United States military ID in Senate Bill 14
23 has an expiration date. I don't see in 1706, 218 or
24 362 -- let's see, citizenship certificate date is that
25 on all of them. It's on that one.

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1 Q. Well, let me ask a specific question to help you
2 out. Does SB 14 allow for identification for a student
3 identification card issued by public or private
4 institution of higher education that contains the
5 person's photograph?

6 A. It does not.

7 Q. Do you know why -- what the basis of the change
8 was between the 2007, 2009 and HB -- HB 12 -- SB 14?
9 I'm sorry.

10 MR. McKENZIE: I didn't mean to talk over
11 you. I'm going to object to the extent that it reveals
12 private communications that are not public or to the
13 extent it reveals personal reflections that are not
14 public and factored into your decision to vote. If it
15 reflects public record or a general legislative purpose
16 you may answer.

17 BY MR. GEAR:

18 Q. The question is what's the basis of the change
19 from the previous voter ID legislation and SB 14?

20 MR. McKENZIE: Same objection.

21 A. I don't know. I'll answer. I don't know because
22 I wasn't a member for any of that. I'm not familiar
23 with these three. This is the one that I'm familiar
24 with. So I can't speak to any changes that were made
25 for this purpose.

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1 Q. Was there public debate regarding the removal or
2 the decision not to include student identification cards
3 issued by public or private institution in SB 14 that
4 you can recall?

5 A. Yes.

6 Q. And what was the subject matter or the substance
7 of that public debate?

8 A. I don't know who was talking, but I remember the
9 conversation was that it would be difficult for an
10 election judge to recognize a valid student ID because
11 there were so many different forms. That's what --
12 that's the discussion I remember on the floor.

13 Q. Are you aware of any personal -- are you
14 personally aware of any voter impersonation allegations
15 by students who have used student identification?

16 MR. McKENZIE: I'm going to object to the
17 extent that you acquired that knowledge in furtherance
18 of your duties of the Legislature. You may answer it to
19 the extent you didn't acquire knowledge that way or it's
20 a matter of public record.

21 A. I don't have any knowledge.

22 Q. (By Mr. Gear) Are you aware of any convictions of
23 students whose have falsely used a student
24 identification?

25 MR. McKENZIE: Same objection.



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<p style="text-align: center;">161</p> <p>1 A. I don't know.</p> <p>2 Q. (By Mr. Gear) Are you aware of any allegations</p> <p>3 what so never the State of Texas of students who have</p> <p>4 falsely used a student identification card?</p> <p>5 A. I don't have any knowledge.</p> <p>6 Q. Do you see that SB 14 also does not include a</p> <p>7 valid employee identification card?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Do you know what the basis of the change from the</p> <p>10 previous voter ID legislation to SB 14, do you know the</p> <p>11 basis of that change?</p> <p>12 MR. McKENZIE: Legislative privilege</p> <p>13 objection. Subject, you may answer.</p> <p>14 A. I can't speak to any reason for change.</p> <p>15 Q. (By Mr. Gear) In your opinion, would you -- would</p> <p>16 allowing an employee ID that contains photograph be an</p> <p>17 effective method of presenting voter fraud?</p> <p>18 MR. McKENZIE: If you developed an opinion</p> <p>19 and factored it in your decision to vote, I would say</p> <p>20 it's privileged. If not then you may answer.</p> <p>21 A. I am going to say privilege on that one.</p> <p>22 Q. (By Mr. Gear) Are you refusing to answer my</p> <p>23 question based on the advice of your counsel?</p> <p>24 A. Yes.</p> <p>25 Q. Are you aware of any allegations in the State of</p>	<p style="text-align: center;">163</p> <p>1 A. The last page. Yes.</p> <p>2 Q. And you see that that page has been signed?</p> <p>3 A. Yes.</p> <p>4 Q. And that page has been signed by Governor Rick</p> <p>5 Perry?</p> <p>6 A. Uh-huh. I do.</p> <p>7 Q. So does that indicate that this is the version</p> <p>8 that's been passed?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have a photo ID with you here today?</p> <p>11 A. No, sir.</p> <p>12 Q. Why not?</p> <p>13 A. I didn't bring anything with me.</p> <p>14 Q. Is it true that if an individual did not bring a</p> <p>15 photo ID to the polling place, if SB 14 was adopted,</p> <p>16 that they would not be allowed to vote regular ballot?</p> <p>17 A. Regular ballot, yes.</p> <p>18 Q. Do you have an opinion as to whether that places</p> <p>19 a burden on a legitimate voter when attempting to cast a</p> <p>20 ballot in the State of Texas?</p> <p>21 MR. McKENZIE: Same objection. If you</p> <p>22 gathered that opinion before the vote and used it and it</p> <p>23 factored into your vote, then it's privileged. If you</p> <p>24 got it separate and apart from your legislature you can</p> <p>25 answer.</p>
<p style="text-align: center;">162</p> <p>1 Texas where an individual has used a voter -- an</p> <p>2 employee identification card to impersonate someone else</p> <p>3 at the polling place?</p> <p>4 MR. McKENZIE: Same objection.</p> <p>5 A. Legislative privilege on that.</p> <p>6 Q. (By Mr. Gear) Are you aware of any investigations</p> <p>7 by any entity in the State of Texas that involved an</p> <p>8 individual who used a employee identification card to</p> <p>9 impersonate someone else at a polling place?</p> <p>10 MR. McKENZIE: Again, if the awareness of</p> <p>11 these investigations factored into your duty as a</p> <p>12 legislator, I instruct you not to answer. Otherwise,</p> <p>13 you may answer if it's public record or general</p> <p>14 legislative purpose.</p> <p>15 A. I'll claim legislative privilege.</p> <p>16 Q. (By Mr. Gear) And you see that SB 14 also does</p> <p>17 not include Section B or the information acceptable</p> <p>18 regarding acceptable proof of identification under --</p> <p>19 strike that. That made no sense. You see that SB 14</p> <p>20 does not include official mail addressed to a person by</p> <p>21 name from a governmental entity?</p> <p>22 A. This version of Senate Bill 14 does not.</p> <p>23 Q. And so let's be clear for the record, when you're</p> <p>24 talking about this version of Senate Bill 14, do you see</p> <p>25 the last page of SB 14?</p>	<p style="text-align: center;">164</p> <p>1 A. Legislative privilege.</p> <p>2 Q. (By Mr. Gear) Are you refusing to answer my</p> <p>3 question base on the advice of counsel?</p> <p>4 A. Yes.</p> <p>5 Q. Was photograph -- was the voter ID declared an --</p> <p>6 a legislative emergency?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know why voter ID was declared a</p> <p>9 legislative emergency?</p> <p>10 MR. McKENZIE: Again you can answer this to</p> <p>11 public record. Prior conversations are privileged.</p> <p>12 A. Legislative privilege.</p> <p>13 Q. (By Mr. Gear) Are you refusing to answer my</p> <p>14 question based on the advice of your counsel?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know who was responsible for declaring</p> <p>17 voter ID to be a legislative emergency?</p> <p>18 A. The governor.</p> <p>19 Q. Were you part of any communication concerning the</p> <p>20 issue of declaring voter ID as a legislative emergency?</p> <p>21 A. No, sir.</p> <p>22 Q. Was your staff present during any communications</p> <p>23 regarding declaring voter ID as a legislative emergency?</p> <p>24 A. No, sir.</p> <p>25 Q. Are you aware of any communications that have</p>



<p style="text-align: center;">165</p> <p>1 been obtained in your office by either you or your staff</p> <p>2 that relates to declaring voter ID as a legislative</p> <p>3 emergency?</p> <p>4 A. No, sir.</p> <p>5 Q. Was there any election set the occur 60 days</p> <p>6 before SB 14 was considered by the Legislature?</p> <p>7 A. Sixty days before the Senate Bill was brought up?</p> <p>8 Q. Yes.</p> <p>9 A. Let's see the date. It was brought up on January</p> <p>10 12th. So 60 days, November 12th. Is that what you're</p> <p>11 asking?</p> <p>12 Q. Was there any election that was 60 days before SB</p> <p>13 14 was brought up by the Senate?</p> <p>14 A. Close. I'm not sure if it's exactly 60. It may</p> <p>15 be 65 or 70.</p> <p>16 Q. So as you sit here today, you're not sure?</p> <p>17 A. I'm not sure. It's close.</p> <p>18 Q. Why was SB 14 declared an emergency?</p> <p>19 MR. McKENZIE: Again, you may answer as a</p> <p>20 matter of a public record. Otherwise, private</p> <p>21 communications legislative privilege.</p> <p>22 A. Legislative privilege. I'll take that.</p> <p>23 Q. (By Mr. Gear) What was the purpose of Senate Bill</p> <p>24 14?</p> <p>25 MR. McKENZIE: Again, you may answer if its</p>	<p style="text-align: center;">167</p> <p>1 record already and you defined that, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Other than voter impersonation, does it address</p> <p>4 any other type of voter fraud?</p> <p>5 A. It does not.</p> <p>6 Q. Are you familiar with the House Research</p> <p>7 Organization?</p> <p>8 A. Yes.</p> <p>9 Q. And can you tell me does the House Research</p> <p>10 Organization have a membership?</p> <p>11 A. Yes, it does.</p> <p>12 Q. How are members selected?</p> <p>13 A. I don't know. I think they're appointed, but I</p> <p>14 don't know how you get on an HRO.</p> <p>15 Q. Are you a member of the House Research</p> <p>16 Organization?</p> <p>17 A. No.</p> <p>18 Q. Do you know what the appointment process?</p> <p>19 A. I do not.</p> <p>20 Q. Can you explain the purpose of the House Research</p> <p>21 Organization?</p> <p>22 A. They provide background on the legislation that</p> <p>23 we're going to consider on the House floor.</p> <p>24 Q. And do they do that for every bill or select</p> <p>25 bills?</p>
<p style="text-align: center;">166</p> <p>1 public record, your own personal purpose. If it is not</p> <p>2 communicated publicly, it's privileged.</p> <p>3 A. Relating to requirements to vote, including</p> <p>4 presenting proof of identification.</p> <p>5 Q. (By Mr. Gear) Are you reading from an exhibit?</p> <p>6 A. Yes. I don't know if this is an exhibit. Does</p> <p>7 it have a number on it?</p> <p>8 Q. It does not?</p> <p>9 A. I didn't know.</p> <p>10 Q. Just note for the record that the witness was</p> <p>11 reading from the Texas Legislature online history 82nd</p> <p>12 legislative session dated May 27, 2011. Do you have any</p> <p>13 independent knowledge of why SB 14 was declared</p> <p>14 legislative emergency?</p> <p>15 MR. McKENZIE: Again, you can answer as a</p> <p>16 matter of public record.</p> <p>17 A. Legislative privilege.</p> <p>18 Q. (By Mr. Gear) Do you have any independent</p> <p>19 knowledge as to why -- what the purpose of SB 14 was?</p> <p>20 MR. McKENZIE: Same objection.</p> <p>21 A. Legislative privilege.</p> <p>22 Q. (By Mr. Gear) Does SB 14 address the issue of</p> <p>23 voter impersonation?</p> <p>24 A. Yes.</p> <p>25 Q. And we talked about voter impersonation on the</p>	<p style="text-align: center;">168</p> <p>1 A. Select bills.</p> <p>2 Q. Did they do this for SB 14 during the 2011</p> <p>3 session?</p> <p>4 A. I don't recall.</p> <p>5 Q. Do you recall reviewing any reports or analysis</p> <p>6 from the House Research Organization in 2011?</p> <p>7 A. I don't recall.</p> <p>8 Q. Does the House Research Organization set policy</p> <p>9 for the House?</p> <p>10 A. No.</p> <p>11 Q. But they do conduct research; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do they take testimony? We're talking generally,</p> <p>14 at this point about --</p> <p>15 A. They call the author -- well, actually what they</p> <p>16 do is they call people who have an interest in the bill</p> <p>17 and ask them what their, you know, concerns are, what</p> <p>18 their, you know, pro, con, so they'll call different</p> <p>19 people to ask different opinions that we as members can</p> <p>20 see supporters say and opponents say.</p> <p>21 Q. Do House members rely on the information or the</p> <p>22 reports that are provided by the House Research</p> <p>23 Organization?</p> <p>24 A. I can't speak to other members at all, what they</p> <p>25 think of that.</p>



<p style="text-align: center;">169</p> <p>1 Q. Do you rely on information that's provided by the</p> <p>2 House Research Organization?</p> <p>3 A. I read it. I don't rely on it.</p> <p>4 Q. Is there a standard that the House Research</p> <p>5 Organization has to follow when conducting research on a</p> <p>6 select bill?</p> <p>7 A. I'm not familiar with their process.</p> <p>8 Q. Do you -- House members -- would you generally</p> <p>9 find reports issued by the House Research Organization</p> <p>10 reliable?</p> <p>11 A. Yeah. Yeah. Rather, I believe that is what they</p> <p>12 were told by the people they called. Yes. And I</p> <p>13 believe that they reflect that accurately from what they</p> <p>14 were told, yes. But I don't rely on them.</p> <p>15 Q. Is it accurate to say that the House Research</p> <p>16 Organization provides impartial information on</p> <p>17 legislation and issues before the Texas Legislature?</p> <p>18 A. To the degree that they're just reporting what</p> <p>19 they heard from the other people.</p> <p>20 Q. What, if any regulation or guidelines, and I</p> <p>21 believe you testified to this, are they required to</p> <p>22 follow when conducting and analysis of a bill?</p> <p>23 A. I do not know their process.</p> <p>24 Q. Does the HRO, or the House Research Organization,</p> <p>25 publish or distribute their findings of its analysis?</p>	<p style="text-align: center;">171</p> <p>1 A. Left-hand corner?</p> <p>2 Q. Page 55, left-hand corner.</p> <p>3 A. Yes.</p> <p>4 Q. And what does that say?</p> <p>5 A. Requiring voters to present photo ID, Senate Bill</p> <p>6 14 by Fraser, generally effective January 1, 2012.</p> <p>7 Q. And it's your testimony, as I understand it, that</p> <p>8 the House Research Organization calls individuals to</p> <p>9 understand what the issues are related to a particular</p> <p>10 bill?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And do you see on Page 55 where it says,</p> <p>13 "supporters said"?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Indicating that SB 14 would strengthen the</p> <p>16 election process. Do you agree with that position?</p> <p>17 MR. McKENZIE: I'm going to object to the</p> <p>18 extent it reflects your personal opinions and you</p> <p>19 factored into your vote. To the extent you didn't, you</p> <p>20 may answer.</p> <p>21 A. I -- I'll take the legislative privilege on that.</p> <p>22 Q. (By Mr. Gear) Do you have a personal opinion as</p> <p>23 to whether or not SB 14 would strengthen the election</p> <p>24 process?</p> <p>25 MR. McKENZIE: Same objection to the extent</p>
<p style="text-align: center;">170</p> <p>1 A. Yes.</p> <p>2 Q. And generally is the House Research Organization</p> <p>3 analysis distributed to House members?</p> <p>4 A. Yes.</p> <p>5 Q. And how would that be distributed?</p> <p>6 A. Distributed on our desk the day we vote and also</p> <p>7 online, always available online.</p> <p>8 Q. And are those called the daily floor reports, the</p> <p>9 ones that are distributed on your desk?</p> <p>10 A. They have a blue cover. I don't know what it's</p> <p>11 called.</p> <p>12 Q. Let's see, I think this would be 221 if I'm</p> <p>13 correct.</p> <p>14 (Exhibit No. 221 was marked.)</p> <p>15 BY MR. GEAR:</p> <p>16 Q. I handed you what's been marked as Exhibit 221.</p> <p>17 Take your time and we're going to talk about it.</p> <p>18 A. Okay.</p> <p>19 Q. Can you identify this? What is this?</p> <p>20 A. This is a post session report from the House</p> <p>21 Research Organization on the major issues. And Page 55</p> <p>22 and 56 have been photocopied, requiring voters to</p> <p>23 present photo ID.</p> <p>24 Q. Okay. And you see that this is dealing</p> <p>25 specifically with SB 14 in the left-hand corner?</p>	<p style="text-align: center;">172</p> <p>1 you have one. If it's not the same as the one you</p> <p>2 considered when you voted on the bill. You may answer</p> <p>3 if you don't have any separate.</p> <p>4 A. Legislative privilege.</p> <p>5 Q. (By Mr. Gear) And was it your testimony that you</p> <p>6 don't rely on information produced by the House Research</p> <p>7 Organization?</p> <p>8 A. To make my decision, that's correct.</p> <p>9 Q. But it was your testimony that you believe that</p> <p>10 the information that's produced by the House Research</p> <p>11 Organization is reliable?</p> <p>12 A. It's reflective of what they were told.</p> <p>13 Q. Also directing your attention to Page 55,</p> <p>14 "supporters said the bill would deter voter fraud." Do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have a position as to whether or not SB 14</p> <p>18 would deter voter fraud?</p> <p>19 MR. McKENZIE: Same objection. Object on</p> <p>20 legislative privilege grounds. To the extent you have</p> <p>21 an opinion different from the one you considered in</p> <p>22 voting or didn't have an opinion when you voted on the</p> <p>23 subject you may answer. Otherwise I'm going to instruct</p> <p>24 you not to answer on legislative privilege grounds.</p> <p>25 A. Okay. Legislative privilege on that question.</p>



<p style="text-align: center;">173</p> <p>1 Q. (By Mr. Gear) Are you refusing to answer my 2 question based on advice of counsel? 3 A. Yes. 4 Q. Do you see where it says keep in eligible voters 5 from voting? 6 A. Yes. 7 Q. Do you recall if there was public debate 8 regarding that particular issue? 9 A. Yeah. During the debate on the floor. 10 Q. Do you recall that ineligible voters also 11 included undocumented citizens or illegal aliens? 12 A. I don't remember that part of the conversation. 13 Q. Do you know if SB 14 was passed, in part, to 14 prevent undocumented citizens or illegal aliens from 15 voting? 16 MR. McKENZIE: Again, you may answer as a 17 matter of public record. If it reflects private 18 conversations with legislators and factored into your 19 vote, I will instruct you not to answer. 20 A. Legislative privilege. 21 Q. (By Mr. Gear) Are you refusing to answer my 22 questions based on the advice of your counsel? 23 A. Yes. 24 Q. Do you have an opinion as to whether SB 14 was 25 passed, in part, to prevent undocumented non-citizens or</p>	<p style="text-align: center;">175</p> <p>1 paragraph, that increasing the criminal penalties for 2 voter fraud would help ensure the integrity of 3 elections? 4 A. Yes. 5 Q. Was there any public debate regarding increasing 6 the voter fraud to ensure the public integrity of 7 elections? 8 A. As per the criminal penalty? 9 Q. Yes. 10 A. I don't recall. I don't remember. 11 Q. Do you think that increasing criminal penalties 12 would ensure the integrity of elections? 13 MR. McKENZIE: Objection to the extent it 14 reflects an opinion you developed prior to voting. If 15 it factored into your voting, if it doesn't meet those 16 requirements and you have an opinion, you may answer. 17 A. I will claim legislative privilege. 18 MR. GEAR: So just so we're clear for the 19 record, I'm asking him about the purpose of SB 14. 20 MR. McKENZIE: Right. 21 MR. GEAR: And are you advising him that he 22 should not answer based on legislative privilege? 23 MR. McKENZIE: Only if it's a -- reflects 24 private, unspoken, individual purposes and motivations 25 to vote. To the extent it's in the public record and he</p>
<p style="text-align: center;">174</p> <p>1 illegal aliens from voting? 2 MR. McKENZIE: Again, to the extent you 3 developed that opinion as part of your duties as a 4 legislator and its not public, I instruct you not to 5 answer. You may answer as a general legislative purpose 6 and matter of the public record. 7 A. Legislative privilege. 8 Q. (By Mr. Gear) Do you see where it said -- where 9 it says SB 14 would promote a higher turnout, also on 10 Page 55? 11 A. Yes. 12 Q. Do you have an opinion as to whether or not SB 14 13 would promote a higher turnout? 14 MR. McKENZIE: Same objection on legislative 15 privilege grounds. 16 A. I'll claim legislative privilege. 17 Q. (By Mr. Gear) And you're refusing to answer that 18 question on the advice of your counsel? 19 A. That's correct. 20 Q. Was there any public debate during the 21 legislative process for SB 14 regarding SB 14 promoting 22 a higher turnout? 23 A. I don't recall going into that conversation. Not 24 that I recall. 25 Q. Do you see where it says, also in that same</p>	<p style="text-align: center;">176</p> <p>1 can recall that there's something to say about that, 2 then he is free to answer. 3 MR. GEAR: And I'm being very clear and I 4 don't believe that that's what the court ordered. So I 5 want to put on the record and I've been asking over and 6 over again if he's following the advice of counsel and 7 he has said over and over again that he is. I'm going 8 to continue to ask the questions, you know. We may have 9 to take this up with the Court. 10 MR. McKENZIE: I understand. But I was 11 going to ask, I mean, it's our position that we are 12 complying with the court's order, as we understand it. 13 The way I understand the court's order is that general 14 legislative purpose you're allowed to speak about and 15 public record you're -- you're allowed to speak about. 16 And there's no privilege protecting those two items. 17 When it comes to private opinions and private purposes, 18 then it is protected, as far as I understand. But if 19 you have a court opinion with you right now, I'll be 20 happy to look over it. 21 MR. GEAR: Can we go off the record? 22 (Discussion off the record.) 23 BY MR. GEAR: 24 Q. So we had a brief conversation off the record 25 regarding legislative privilege. And I'm going to try</p>



<p style="text-align: center;">177</p> <p>1 to rephrase some of these questions so that we can try</p> <p>2 to understand what you know about these particular --</p> <p>3 about SB 14. So was the purpose of SB 14 in part to</p> <p>4 prevent undocumented non-citizens or illegal aliens from</p> <p>5 voting?</p> <p>6 MR. McKENZIE: And I'll just ask a</p> <p>7 clarifying question. You mean general legislative</p> <p>8 purpose when you say SB 14, correct?</p> <p>9 MR. GEAR: Yes.</p> <p>10 MR. McKENZIE: Okay. You may answer.</p> <p>11 A. I don't know.</p> <p>12 Q. (By Mr. Gear) Was the general legislative purpose</p> <p>13 of SB 14, in part, to promote a higher -- to promote a</p> <p>14 higher turnout?</p> <p>15 A. I don't know.</p> <p>16 Q. Was the general legislative purpose of SB 14</p> <p>17 adopted, in part, or passed, in part, to restore and</p> <p>18 enhance the public confidence in elections?</p> <p>19 A. I am not aware.</p> <p>20 Q. Do you have an opinion as to whether or not</p> <p>21 increasing criminal penalties for voter fraud would</p> <p>22 ensure the integrity of elections?</p> <p>23 MR. McKENZIE: Again, if you have an opinion</p> <p>24 that's private, do not disclose. I'll object on</p> <p>25 privilege grounds or if it factored into your duties as</p>	<p style="text-align: center;">179</p> <p>1 A. During the floor debate.</p> <p>2 Q. Can you tell me what the substance of that</p> <p>3 conversation was during the floor debate?</p> <p>4 A. That there might be people who felt that voter</p> <p>5 fraud kept them from voting.</p> <p>6 Q. Was there any specific allegation that was</p> <p>7 presented during the floor debate?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was there any specific investigation --</p> <p>10 information of investigations that was presented during</p> <p>11 the floor debate?</p> <p>12 A. I don't recall.</p> <p>13 Q. Was there any specific information of convictions</p> <p>14 that was presented during the floor debate, and I'm</p> <p>15 referencing voter fraud?</p> <p>16 A. I don't recall.</p> <p>17 Q. Was there any specific allegation of voter fraud</p> <p>18 that would support that honest citizens were being</p> <p>19 driven out of the Democratic process that was presented</p> <p>20 during the legislative debate on SB 14?</p> <p>21 A. I think they talked about it. But I couldn't</p> <p>22 tell you who or in what context. I just remember it was</p> <p>23 going on.</p> <p>24 Q. You see -- and again, I'm going to refer you back</p> <p>25 to the House Research Organization focus report. Do you</p>
<p style="text-align: center;">178</p> <p>1 a legislator. If you have an opinion separate and apart</p> <p>2 from that, you may answer.</p> <p>3 A. Going to claim legislative privilege on that.</p> <p>4 Q. (By Mr. Gear) Have you heard any public debate</p> <p>5 regarding voter fraud driving honestly -- honest</p> <p>6 citizens out of the Democratic process?</p> <p>7 A. Yes, they did discuss that on the House floor.</p> <p>8 Q. Do you know what the basis of that discussion is?</p> <p>9 A. No.</p> <p>10 Q. What was the general legislative purpose of SB</p> <p>11 14, each and every purpose that you're aware of?</p> <p>12 A. To address the requirements to vote, including</p> <p>13 presenting proof of identification.</p> <p>14 Q. And are you reading from an exhibit?</p> <p>15 A. Yes.</p> <p>16 Q. And which Exhibit are you reading from, sir?</p> <p>17 A. Five.</p> <p>18 Q. And five is which Exhibit?</p> <p>19 A. That is the signed version of Senate Bill 14.</p> <p>20 Q. And you said that there was some public debate</p> <p>21 about the concern that voter fraud was driving honest</p> <p>22 citizens out of the Democratic process; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And can you tell me when that conversation took</p> <p>25 place?</p>	<p style="text-align: center;">180</p> <p>1 see where it says on Page 55 that "every day</p> <p>2 circumstances require citizens to present a photo ID."</p> <p>3 Do you see that at the bottom of Page 55?</p> <p>4 A. Bottom right or bottom left?</p> <p>5 Q. Bottom right.</p> <p>6 A. Yes.</p> <p>7 Q. What does that mean?</p> <p>8 A. When I read that, I take it to mean that you in</p> <p>9 your course of business, everyday kind of activities</p> <p>10 that you have to use -- or have to show a photo ID.</p> <p>11 Q. Do you believe this voting is a fundamental</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Do you believe that cashing a check is a</p> <p>15 fundamental right?</p> <p>16 MR. McKENZIE: Objection; relevance. You</p> <p>17 may answer.</p> <p>18 A. I don't even know what the question means.</p> <p>19 Q. (By Mr. Gear) Do you believe that travelling on</p> <p>20 an airplane is a fundamental right?</p> <p>21 MR. McKENZIE: Same objection.</p> <p>22 A. Yeah. I don't know what that means.</p> <p>23 MR. McKENZIE: You can answer.</p> <p>24 A. I don't know what it means.</p> <p>25 Q. (By Mr. Gear) Do you have a position regarding</p>



<p>181</p> <p>1 this statement that was made by supporters of SB 14 that</p> <p>2 every day circumstances require citizens to present</p> <p>3 photo ID?</p> <p>4 MR. McKENZIE: Object if he developed this</p> <p>5 position in the course of your duties as a legislator.</p> <p>6 To the extent you did not develop that opinion in that</p> <p>7 course, you may answer the question.</p> <p>8 A. Can you repeat the question?</p> <p>9 Q. (By Mr. Gear) Can you read it back?</p> <p>10 (Requested question was read.)</p> <p>11 BY MR. GEAR:</p> <p>12 Q. And I would include, including air travel and</p> <p>13 cashing a check. Do you have a position on that?</p> <p>14 A. I am going to claim legislative privilege on</p> <p>15 that.</p> <p>16 Q. Do you usually carry a photo ID with you?</p> <p>17 A. Yes.</p> <p>18 Q. But you didn't bring one with you today?</p> <p>19 A. No.</p> <p>20 Q. And why not?</p> <p>21 A. Just didn't bring one.</p> <p>22 Q. Do you have an opinion as to whether or not if SB</p> <p>23 14 was adopted and an individual who just didn't bring a</p> <p>24 photo ID would be allowed to vote on a regular ballot?</p> <p>25 A. Can you ask that again, please?</p>	<p>183</p> <p>1 A. My record in the House journal would reflect</p> <p>2 that. I don't have that with me.</p> <p>3 (Exhibit No. 222 was marked.)</p> <p>4 BY MR. GEAR:</p> <p>5 Q. Can you read my question back? I'm handing you</p> <p>6 what's been marked as Exhibit 222.</p> <p>7 A. Okay.</p> <p>8 Q. Can you identify that for the record? What is</p> <p>9 that?</p> <p>10 A. This is the House journal from the 82nd regular</p> <p>11 session of Legislature from Wednesday March 23, 2011.</p> <p>12 Q. Now, you've referenced during your deposition</p> <p>13 several times that the House journal would reflect your</p> <p>14 testimony on the -- on the House floor; is that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And this is the Wednesday March 23, 2011 House</p> <p>17 journal. Is this the -- the journal that you were</p> <p>18 referencing?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. So the question that I asked you</p> <p>21 previously and --</p> <p>22 (Requested question was read.)</p> <p>23 A. Which concerns were you asking me about?</p> <p>24 Q. We were talking about the stricter identification</p> <p>25 requirements would impose an unreasonable burden on</p>
<p>182</p> <p>1 Q. A person who didn't bring a photo ID to the</p> <p>2 polling place and did not have any other forms of</p> <p>3 allowable identification under the SB 14, would they be</p> <p>4 allowed to vote a regular ballot?</p> <p>5 A. No.</p> <p>6 Q. Do you have an opinion as to whether or not</p> <p>7 stricter identification requirements under SB 14 impose</p> <p>8 an unreasonable burden on voters?</p> <p>9 MR. McKENZIE: If you have a position that</p> <p>10 you developed during the course of your duties as a</p> <p>11 legislator and it factored into your vote, I'll instruct</p> <p>12 you not to answer if it's not public. If it's public or</p> <p>13 you developed an opinion outside the legislator, you may</p> <p>14 answer.</p> <p>15 A. Invoke legislative privilege.</p> <p>16 Q. (By Mr. Gear) Are you refusing to answer that</p> <p>17 question on the basis of advice from your counsel?</p> <p>18 A. Yes.</p> <p>19 Q. During the legislative debate on SB 14, are you</p> <p>20 aware of discussions on the floor where the issue of</p> <p>21 stricter identification requirements related to SB 14</p> <p>22 creating an unreasonable burden on voters?</p> <p>23 A. Yes.</p> <p>24 Q. Did you respond publicly on the floor to the</p> <p>25 concerns expressed?</p>	<p>184</p> <p>1 voters. And you recalled hearing that debate. And I</p> <p>2 asked did you respond to those concerns?</p> <p>3 A. My questions were as to the word</p> <p>4 "disenfranchised." You're using a different word there.</p> <p>5 What word are you using?</p> <p>6 Q. I'm using burden.</p> <p>7 A. I spoke to the disenfranchised -- the</p> <p>8 disenfranchisement of others.</p> <p>9 Q. Okay. Do you have an opinion as to whether or</p> <p>10 not stricter identification requirements under SB 14</p> <p>11 would impose an unreasonable burden on voters?</p> <p>12 MR. McKENZIE: Same objection. If you</p> <p>13 developed the opinion in the course of your duties as a</p> <p>14 legislator and it's the same today and it's not public,</p> <p>15 I instruct you not to answer. If you have an opinion</p> <p>16 that you developed prior to being in the legislature or</p> <p>17 has already been publicly stated, you may answer.</p> <p>18 A. I'll claim legislative privilege.</p> <p>19 Q. (By Mr. Gear) Are you refusing to answer that</p> <p>20 question on the advice of counsel?</p> <p>21 A. Yes.</p> <p>22 Q. I just refer your attention back to the House</p> <p>23 organization focus report.</p> <p>24 A. Okay.</p> <p>25 Q. Did you ever review the Crawford vs. Marion</p>



<p style="text-align: center;">185</p> <p>1 County election board decision?</p> <p>2 A. No.</p> <p>3 Q. Do you know what that is?</p> <p>4 A. No.</p> <p>5 Q. Are you aware of whether or not SB 14 was based</p> <p>6 on any other voter ID legislation?</p> <p>7 A. I claim legislative privilege on that.</p> <p>8 Q. Do you know if SB 14 was based on any other voter</p> <p>9 ID legislation?</p> <p>10 A. Legislative privilege on that, I would like to</p> <p>11 claim.</p> <p>12 MR. McKENZIE: You can answer to the extent</p> <p>13 it's in the public record if you know it's in the public</p> <p>14 record. But if all you know about is in private stuff</p> <p>15 or private communications in the Legislature, then don't</p> <p>16 answer.</p> <p>17 A. Legislative privilege.</p> <p>18 Q. (By Mr. Gear) Is it your testimony that you don't</p> <p>19 know it's in the public record -- if there's any</p> <p>20 testimony in the public record?</p> <p>21 A. Yes.</p> <p>22 MR. GEAR: I think we need to go off the</p> <p>23 record and move upstairs.</p> <p>24 (Discussion off the record.)</p> <p>25 BY MR. GEAR:</p>	<p style="text-align: center;">187</p> <p>1 A. I don't really know what that -- what you're</p> <p>2 asking about a constitutional right.</p> <p>3 Q. (By Mr. Gear) Do you understand what I'm</p> <p>4 referencing when I talk about the Constitution?</p> <p>5 A. Yes.</p> <p>6 Q. And for your purposes we can talk about the State</p> <p>7 of Texas, they have a constitution, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And is showing an ID to board a plane covered</p> <p>10 under the State of Texas Constitution?</p> <p>11 A. I wouldn't know.</p> <p>12 Q. Do you have a right to board a plane?</p> <p>13 A. I don't know. I don't know. If it's a private</p> <p>14 business, no.</p> <p>15 Q. It's not a trick question.</p> <p>16 A. I don't understand your question. I don't</p> <p>17 understand the question.</p> <p>18 Q. Okay. The question was do you have a right to</p> <p>19 board a plane?</p> <p>20 A. I -- I don't know.</p> <p>21 Q. Okay. During the legislative debate for SB 14,</p> <p>22 do you recall public discussion regarding the</p> <p>23 implementation of SB 14 would create an obstacle for</p> <p>24 minority voters?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">186</p> <p>1 Q. Back on the record. During your deposition</p> <p>2 testimony you testified that voting as a fundamental</p> <p>3 right. Do you remember that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you leave it's a right that should be</p> <p>6 protected by the voting rights acts?</p> <p>7 A. Yes.</p> <p>8 Q. We also had a discussion on the record about</p> <p>9 showing ID in everyday life activities. Do you recall</p> <p>10 that discussion?</p> <p>11 A. Yes.</p> <p>12 Q. And do you believe that showing an ID to board a</p> <p>13 plane or showing an ID to cash a check should be</p> <p>14 something that's protected by the Voting Rights Act?</p> <p>15 A. Yeah. Voting Rights Act?</p> <p>16 Q. That's right.</p> <p>17 A. I don't see what that would mean, cashing a check</p> <p>18 in a voting rights act?</p> <p>19 Q. Do you believe -- let me rephrase that so that</p> <p>20 there's no ambiguity to it. Do you believe that cashing</p> <p>21 a check or showing an ID to board a plane is a</p> <p>22 constitutional right?</p> <p>23 A. Constitutional right?</p> <p>24 MR. McKENZIE: Objection to the extent it</p> <p>25 calls for a legal conclusion. But you may answer it.</p>	<p style="text-align: center;">188</p> <p>1 Q. And can you tell me what the substance of that</p> <p>2 discussion was?</p> <p>3 A. That it's an obstacle for minority voters.</p> <p>4 Q. Obstacle in what ways?</p> <p>5 A. I don't recall. It was a very long conversation.</p> <p>6 I don't recall the specifics of a 14-hour debate.</p> <p>7 Q. Do you recall distance being discussed?</p> <p>8 A. Yes.</p> <p>9 Q. And that was described as an obstacle?</p> <p>10 A. Yes. But not as per minority that you're asking</p> <p>11 about, I don't think. I don't know that that link was</p> <p>12 made. I don't recall that link being made.</p> <p>13 Q. Well, and I'm specifically asking you regarding</p> <p>14 minority voters. Was there concern expressed during the</p> <p>15 legislative debate for SB 14 that that would create an</p> <p>16 obstacle for minority voters?</p> <p>17 A. Not that I recall. The obstacle that I remember</p> <p>18 was regionally. It was regional argument that it was</p> <p>19 too far. That's what I recall from the floor. It was a</p> <p>20 regional argument.</p> <p>21 Q. Do you have a position whether or not the</p> <p>22 implementation of SB 14 would create an obstacle for</p> <p>23 minority voters in terms of distance?</p> <p>24 MR. McKENZIE: Object on the grounds of</p> <p>25 legislative privilege. If you developed the opinion in</p>



<p style="text-align: center;">189</p> <p>1 the course of deliberating your vote on that bill. If</p> <p>2 you have an opinion separate and apart from that, then</p> <p>3 please, answer the question.</p> <p>4 A. Legislative privilege.</p> <p>5 Q. (By Mr. Gear) Are you refusing to answer my</p> <p>6 question base on the advice of counsel?</p> <p>7 A. Yes.</p> <p>8 Q. We also talked during your deposition about DPS</p> <p>9 offices and I asked you the question whether or not you</p> <p>10 had any knowledge of counties that do not have a DPS</p> <p>11 office. Do you recall that?</p> <p>12 A. I do.</p> <p>13 Q. Do you recall what your answer was?</p> <p>14 A. That I don't have any knowledge of DPS offices,</p> <p>15 essentially.</p> <p>16 Q. Do you recall any public debate regarding DPS</p> <p>17 offices during the legislative debate on SB 14?</p> <p>18 A. Just that Pete Gallegos said it would be a far</p> <p>19 distance to travel.</p> <p>20 Q. I direct your attention to Exhibit 221 Page 56,</p> <p>21 top right-hand corner. There's no DPS office in 77 of</p> <p>22 Texas's 54 counties. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall that being part of the public</p> <p>25 legislative debate on SB 14?</p>	<p style="text-align: center;">191</p> <p>1 A. That is correct answer.</p> <p>2 Q. Let's talk about your testimony. And I'm</p> <p>3 referring you to what's been marked as Exhibit No. 9,</p> <p>4 the House journal?</p> <p>5 A. I've got Exhibit 222.</p> <p>6 Q. Okay. Okay. For this deposition it is marked as</p> <p>7 Exhibit No. 222. Do you see where you provide testimony</p> <p>8 there?</p> <p>9 A. I did earlier. Let me get back to it. But I</p> <p>10 did. Yes.</p> <p>11 Q. Can you tell me what page that's on, please?</p> <p>12 A. It starts on Page 1036.</p> <p>13 Q. This discussion that you've referenced several</p> <p>14 times in your deposition occurred on March 23, 2011?</p> <p>15 A. Yes.</p> <p>16 Q. And that was during the 82nd Legislature regular</p> <p>17 session?</p> <p>18 A. Yes.</p> <p>19 Q. And the discussion that you referred to occurred</p> <p>20 between yourself and Representative Harless?</p> <p>21 A. Correct.</p> <p>22 Q. And Representative Harless is a cosponsor of the</p> <p>23 bill?</p> <p>24 A. I believe she would be listed as the sponsor.</p> <p>25 But I would have to look at that thing you gave me.</p>
<p style="text-align: center;">190</p> <p>1 A. No. I don't remember.</p> <p>2 Q. Do you recall the second sentence here, "the bill</p> <p>3 also would give election workers too much power and pave</p> <p>4 the way for discrimination." Do you recall that being</p> <p>5 part of the public legislative debate?</p> <p>6 A. I don't remember that being discussed.</p> <p>7 Q. Do you recall during the legislative debate that</p> <p>8 there was concern that SB 14, if adopted, would suppress</p> <p>9 the rights of eligible voters?</p> <p>10 A. Yes. I remember -- I remember that.</p> <p>11 Q. What did supporters of SB 14 say in response to</p> <p>12 that concern?</p> <p>13 A. I don't recall what the supporters were saying.</p> <p>14 I just remember the conversation was that it would --</p> <p>15 and I can't tell you who was saying it. But they were</p> <p>16 testifying that it would be. But I can't -- I don't</p> <p>17 recall the dialogue back and forth.</p> <p>18 Q. You are a supporter of SB 14?</p> <p>19 A. I voted for SB 14, yes.</p> <p>20 Q. Did you express publicly any response to the</p> <p>21 concern that SB 14 would suppress voting among eligible</p> <p>22 voters?</p> <p>23 A. My public testimony in the House journal had to</p> <p>24 do with disenfranchisement.</p> <p>25 Q. So the answer the that is, no?</p>	<p style="text-align: center;">192</p> <p>1 Q. So she sponsored the bill in the House?</p> <p>2 A. I don't know. I have to look at that sheet.</p> <p>3 Q. Take your time.</p> <p>4 MR. McKENZIE: I wouldn't have any of the</p> <p>5 originals.</p> <p>6 A. I don't have any -- what I have is for the</p> <p>7 previous sessions.</p> <p>8 MR. GEAR: Why don't we go ahead and mark</p> <p>9 this as an exhibit if we're going to the referencing it.</p> <p>10 (Exhibit No. 223 was marked.)</p> <p>11 BY MR. GEAR:</p> <p>12 Q. So I'm showing you what's been marked as</p> <p>13 Exhibit 223. And again, this is a document that we've</p> <p>14 referenced in your deposition. Can you identify it</p> <p>15 again, for the record?</p> <p>16 A. Yes. This is the Texas Legislature online</p> <p>17 history of Senate Bill 14.</p> <p>18 Q. And the question that just before you is, was</p> <p>19 Representative Harless a sponsor or cosponsor of Senate</p> <p>20 Bill 14?</p> <p>21 A. She is a sponsor.</p> <p>22 Q. Can you identify any actions taken by</p> <p>23 Representative Harless to ensure that ethnic minorities</p> <p>24 were not disenfranchised by SB 14?</p> <p>25 A. To the extent that I asked her in public record,</p>



<p style="text-align: center;">193</p> <p>1 I asked her from the House floor.</p> <p>2 Q. What did you ask her from the House floor?</p> <p>3 A. I asked her, is it your intention for this bill</p> <p>4 to disenfranchise ethnic minority voters.</p> <p>5 Q. And her response?</p> <p>6 A. No, sir.</p> <p>7 Q. And my question to you was, can you identify any</p> <p>8 actions taken by Representative Harless to ensure that</p> <p>9 SB 14 did not disenfranchise ethnic minorities?</p> <p>10 A. There's nothing in the record that indicates</p> <p>11 that.</p> <p>12 Q. Are you aware of any private communications with</p> <p>13 Representative Harless that would support that she took</p> <p>14 some action to ensure that ethnic minorities were not</p> <p>15 disenfranchised by SB 14?</p> <p>16 MR. McKENZIE: I'm going to object on</p> <p>17 legislative privilege grounds.</p> <p>18 A. I'll claim legislative privilege on that</p> <p>19 question.</p> <p>20 Q. (By Mr. Gear) Are you aware of any</p> <p>21 communications, including documents on the public</p> <p>22 record, that would support that SB 14 did not</p> <p>23 disenfranchise ethnic minorities?</p> <p>24 A. No.</p> <p>25 Q. Is there any report or analysis that was</p>	<p style="text-align: center;">195</p> <p>1 again, I'm referring to communications off the public</p> <p>2 record that support the position that SB 14 will not</p> <p>3 disenfranchise ethnic minorities?</p> <p>4 MR. McKENZIE: I'm going to object to the</p> <p>5 extent it reflects legislator communications. You may</p> <p>6 answer as to non-legislator communications to the extent</p> <p>7 there are any.</p> <p>8 A. I'm claim the legislative privilege.</p> <p>9 Q. (By Mr. Gear) What, if any, actions did you take</p> <p>10 to ensure that SB 14 would not disenfranchise ethnic</p> <p>11 minority voters?</p> <p>12 MR. McKENZIE: I'm going to object to the</p> <p>13 extent it's not public record. But answer to the extent</p> <p>14 it's public record.</p> <p>15 A. I asked Patricia Harless these questions that are</p> <p>16 in the House journal.</p> <p>17 Q. Is that the only public action that you took to</p> <p>18 ensure that SB 14 would not disenfranchise minority</p> <p>19 voters?</p> <p>20 A. As I recall, yes.</p> <p>21 Q. Have you ever heard a legislator who voted in</p> <p>22 favor of SB 14 explain that voter ID would prevent any</p> <p>23 minority voter from voting?</p> <p>24 MR. McKENZIE: I'm going to object on</p> <p>25 legislative privilege grounds, to the extent if reflects</p>
<p style="text-align: center;">194</p> <p>1 presented during the public debate on SB 14 that</p> <p>2 supports the position that SB 14 will not disenfranchise</p> <p>3 ethnic minorities?</p> <p>4 A. Not that I recall. I don't remember.</p> <p>5 Q. As you sit here today, you -- do you know of any?</p> <p>6 A. That this bill would disenfranchise voters, is</p> <p>7 that what you're asking?</p> <p>8 Q. Specifically I asked is there any report or</p> <p>9 analysis that was presented during the public debate on</p> <p>10 SB 14 that supports the position that SB 14 will not</p> <p>11 disenfranchise ethnic minorities?</p> <p>12 A. I don't recall.</p> <p>13 Q. And my question following up your answer was, as</p> <p>14 you sit here today, are you aware of any analysis or</p> <p>15 report that supports that position?</p> <p>16 ATTORNEY2: I'm going to object to the</p> <p>17 extent you received a report in private prior to voting</p> <p>18 for a bill. But if you know of anything after</p> <p>19 legislative or before your time as a legislator that</p> <p>20 reflects that, you may answer the question.</p> <p>21 BY MR. GEAR:</p> <p>22 Q. Just so the record is clear, I asked you during</p> <p>23 the public debate?</p> <p>24 A. Okay. I don't recall.</p> <p>25 Q. Are you aware of any private communications? And</p>	<p style="text-align: center;">196</p> <p>1 private and non-public communications. You may answer</p> <p>2 if its public.</p> <p>3 BY MR. GEAR:</p> <p>4 Q. Let's start with the public record.</p> <p>5 A. I don't have any knowledge of that.</p> <p>6 Q. And so is the answer, no?</p> <p>7 A. I don't have any knowledge of that.</p> <p>8 Q. You referenced during your deposition that there</p> <p>9 was some discussion about the timing of when you would</p> <p>10 speak on the record. Do you recall that?</p> <p>11 A. Yes.</p> <p>12 Q. And when you talk about the timing of what would</p> <p>13 be said is -- is this what -- is this exhibit and the</p> <p>14 testimony that you gave, does that -- is that related to</p> <p>15 the timing of when you would make this statement?</p> <p>16 MR. McKENZIE: I'm going to object to the</p> <p>17 extent it deals with issues that are private</p> <p>18 communications between other legislators and your</p> <p>19 personal deliberations on when to reveal this</p> <p>20 information. But you may answer it to the extent it</p> <p>21 that's matter of public record.</p> <p>22 A. Legislative privilege on that, I'll claim.</p> <p>23 Q. (By Mr. Gear) Did you have any discussions with</p> <p>24 any legislators about what you would say on the record</p> <p>25 to Representative Harless?</p>



<p style="text-align: center;">197</p> <p>1 MR. McKENZIE: Again, I'm going to object to</p> <p>2 the extent you didn't actually say anything on the</p> <p>3 record.</p> <p>4 A. Legislative privilege.</p> <p>5 Q. (By Mr. Gear) Are you following the advice based</p> <p>6 on the advice of counsel not to answer this question?</p> <p>7 A. Yes.</p> <p>8 Q. Were the -- did you prepare in advance for the</p> <p>9 questions that you asked Representative Harless on the</p> <p>10 record? It's a yes or no answer?</p> <p>11 A. Or I can claim legislative privilege on that one,</p> <p>12 as well.</p> <p>13 Q. Well, the question is before you.</p> <p>14 A. Can you repeat the question?</p> <p>15 MR. GEAR: Can you read it back?</p> <p>16 (Requested question was read.)</p> <p>17 MR. McKENZIE: I think you can answer to the</p> <p>18 extent it says what you did to prepare or anything else</p> <p>19 to that effect it would probably be privileged. But the</p> <p>20 mere fact that you prepared, I think you can answer the</p> <p>21 question.</p> <p>22 A. As you'll see in the video, it clearly shows that</p> <p>23 I'm reading these questions that I have written out</p> <p>24 prior to getting to the microphone.</p> <p>25 Q. (By Mr. Gear) Is the answer to that, yes?</p>	<p style="text-align: center;">199</p> <p>1 prepared the questions that you asked Representative</p> <p>2 Harless on the record on March 23, 2011? The question</p> <p>3 is, who was present?</p> <p>4 A. Nobody.</p> <p>5 Q. Where did you prepare these questions?</p> <p>6 A. At my desk.</p> <p>7 Q. In your Austin office?</p> <p>8 A. No.</p> <p>9 Q. On the floor?</p> <p>10 A. Yes.</p> <p>11 Q. Were there other legislators in the -- on the</p> <p>12 floor at the time you prepared these questions?</p> <p>13 A. It was during debate, so yes.</p> <p>14 Q. Did you receive assistance from any other --</p> <p>15 other legislators?</p> <p>16 A. No.</p> <p>17 MR. McKENZIE: I was going to object the</p> <p>18 word "assistance," would reveal communications by the</p> <p>19 legislators.</p> <p>20 BY MR. GEAR:</p> <p>21 Q. Were the -- in preparation for the questions for</p> <p>22 Representative Harless, did you receive any -- was it</p> <p>23 the subject of any e-mails or text messages?</p> <p>24 MR. McKENZIE: I'm going to object on the</p> <p>25 same grounds.</p>
<p style="text-align: center;">198</p> <p>1 A. Yes.</p> <p>2 Q. When did you prepare the questions that you asked</p> <p>3 Representative Harless on the record on March 23, 2011?</p> <p>4 A. Oh, gosh. Toward the very end of the day.</p> <p>5 Q. You're referencing March 23rd?</p> <p>6 A. Oh, yeah. Well, March 23rd, yes.</p> <p>7 Q. Was the preparation of the questions that you</p> <p>8 asked Representative Harless on the record on March 23rd</p> <p>9 the subject of any communications with any other</p> <p>10 legislators?</p> <p>11 MR. McKENZIE: I'm going to the object on</p> <p>12 privileged grounds to the extent that those</p> <p>13 communications are not public.</p> <p>14 A. Legislative privilege on that.</p> <p>15 Q. (By Mr. Gear) And the question is, what is the</p> <p>16 subject of any communications with any other</p> <p>17 legislatures. I'm not asking you about the substance of</p> <p>18 it?</p> <p>19 MR. McKENZIE: I'm still going to object.</p> <p>20 It's a fine line between subject and substance.</p> <p>21 BY MR. GEAR:</p> <p>22 Q. Are you refusing to answer that question based on</p> <p>23 advice of your counsel?</p> <p>24 A. Legislative privilege, yes.</p> <p>25 Q. Who was present, if anyone else, while you</p>	<p style="text-align: center;">200</p> <p>1 A. Legislative privilege, I'll claim on that one.</p> <p>2 Q. (By Mr. Gear) Are there any e-mails or text</p> <p>3 messages that exist regarding communications in</p> <p>4 preparation for the questions that you asked</p> <p>5 Representative Harless on March 23, 2011?</p> <p>6 A. I don't know.</p> <p>7 Q. Did you send any e-mails or text messages in</p> <p>8 preparation for the questions that you asked</p> <p>9 Representative Harless on March 23, 2011?</p> <p>10 MR. McKENZIE: I'm going to object to the</p> <p>11 extent that his communications were to other legislators</p> <p>12 in a private, not disclosed. But to the extent there</p> <p>13 weren't other legislatures in the work process, you may</p> <p>14 answer. Assuming there were any communications.</p> <p>15 BY MR. GEAR:</p> <p>16 Q. And I want to be clear that all of these</p> <p>17 questions that I'm asking are based -- privilege log</p> <p>18 questions. Who, what, when, where. And that there's a</p> <p>19 ruling that's pending by the Court and we have a right</p> <p>20 to create a privilege log during this deposition of the</p> <p>21 who, what, when and where. And that's what I'm asking</p> <p>22 right now. And so the question is before you, are you</p> <p>23 refusing to answer that question based on the advice of</p> <p>24 your counsel?</p> <p>25 A. Yes.</p>



<p style="text-align: center;">201</p> <p>1 MR. McKENZIE: Can I have you read it back 2 to me real quick? 3 MR. GEAR: Sure. 4 (Requested question was read.) 5 MR. McKENZIE: My concern is that the 6 subject of that question contains -- the subject of that 7 question contains a lot of the subject matter that may 8 have been communicated. So that's why I lodged the 9 objection. I'm afraid it might reveal more than a 10 privilege log would reveal and possibly risk disclosure. 11 So that's why I'm lodging the objection. I'll allow the 12 same objection to the extent it's to other legislatures. 13 I instruct you not to answer if it was public, or to 14 non-legislators you may answer. 15 A. Claim legislative privilege. 16 Q. (By Mr. Gear) And you're refusing to answer that 17 question on the advice of your counsel? 18 A. Yes. 19 Q. During the public debate on SB 14, were you aware 20 of the concern expressed by opponents that minority 21 voters were less likely to possess the allowable forms 22 of ID required pursuant to SB 14? 23 A. Yes, I remember that part. 24 Q. And do you recall what the supporters of SB 14, 25 how they responded so that concern?</p>	<p style="text-align: center;">203</p> <p>1 MR. GEAR: And again, for the record, I 2 don't believe it's a privilege -- a legislative 3 privilege if he has an opinion. As to the substance of 4 any opinion that he has. I just don't believe that 5 that's a legislative privilege. But I understand your 6 instruction. And I understand that he's following your 7 instructions. 8 MR. McKENZIE: In that case, the mere 9 existence of an opinion, you can answer if you have an 10 opinion, yay or nay. The substance of that opinion, I 11 would instruct you not to answer. 12 BY MR. GEAR: 13 Q. And just so we're clear on the record, again, I 14 ask you, a member of the minority community, and I 15 believe you identified yourself as Hispanic on the 16 record. Do you have an opinion as to whether or not 17 minority voters are less likely to possess the allowable 18 forms of ID that are required under SB 14? 19 MR. McKENZIE: Sorry. The objection I think 20 is proper because you're asking him if he has an 21 opinion. And then the following piece of it is that 22 minority voters are less likely to have IDs, so that 23 would reveal the subject of his opinion whether or not 24 he believed that to be a true fact. If he developed 25 that in the course of deliberating on his vote, I would</p>
<p style="text-align: center;">202</p> <p>1 A. No, I don't. 2 Q. Do you believe -- do you have an opinion that 3 minority voters in the State of Texas are less likely to 4 have the allowable form of ID under SB 14? 5 MR. McKENZIE: Object to the extent you 6 developed that opinion in the course of your 7 deliberations on SB 14 and prior to voting. To the 8 extent you have an opinion prior to that, you may 9 answer. 10 A. I claim legislative privilege. 11 Q. (By Mr. Gear) I want to ask you to you have a 12 personal opinion? 13 MR. McKENZIE: Same objection to the extent 14 the opinion was developed in the course of your 15 legislative duties. 16 A. I'll tell you legislative privilege. 17 Q. (By Mr. Gear) Well, as a member of the minority 18 community, and I believe you identified on the record 19 that you were Hispanic, do you have an opinion as to 20 whether or not minority voters are less likely to have 21 the allowable forms of ID under SB 14? 22 A. I'll claim legislative privilege. 23 Q. Are you refusing to answer that question on the 24 basis of -- on the advice of your counsel? 25 A. Yes, sir.</p>	<p style="text-align: center;">204</p> <p>1 object privilege. If the question was merely does he 2 have an opinion on who among the minority community has 3 an ID, I think you can answer that, what the rates of it 4 are. 5 BY MR. GEAR: 6 Q. Who is Ann McGeehan? 7 REPORTER: Who? 8 MR. GEAR: Ann McGeehan, M-C-G-E-E-H-A-N. 9 A. I don't know who that is, or don't recall who she 10 is. 11 Q. (By Mr. Gear) Was she with the Secretary of 12 State's office? 13 A. I have no idea. 14 Q. Do you recall the Secretary of State's office 15 providing testimony during the legislative debate for SB 16 14? 17 A. No. 18 Q. I believe you testified previously that you were 19 aware that there was testimony that over 600,000 voters 20 in the State of Texas may lack the State issued driver's 21 license or ID required under SB 14; is that right? 22 A. That's what I've read. 23 Q. And where did you read that? 24 A. The Austin American-Statesman. 25 Q. Do you have an opinion on this issue?</p>



<p style="text-align: center;">205</p> <p>1 A. Yes.</p> <p>2 Q. What is your opinion on this issue?</p> <p>3 MR. McKENZIE: Objection to the extent you</p> <p>4 developed it as part of your deliberations as a</p> <p>5 legislator. If you developed it independently, you may</p> <p>6 answer.</p> <p>7 A. Yeah. On -- I forget the question, again.</p> <p>8 MR. McKENZIE: What is the substance of the</p> <p>9 opinion about the 600,000 voters approximately who may</p> <p>10 lack a photo ID.</p> <p>11 A. The fact that I read it in the Statesman and it</p> <p>12 was a follow-up questions. I can't remember.</p> <p>13 Q. (By Mr. Gear) I'm asking you what your opinion on</p> <p>14 that is?</p> <p>15 A. Oh, that, I will claim legislative privilege on.</p> <p>16 (Exhibit No. 224 was marked.)</p> <p>17 BY MR. GEAR:</p> <p>18 Q. Before we go to Exhibit 224, do you have an</p> <p>19 opinion as to whether minority voters are less likely to</p> <p>20 have proper ID under SB 14?</p> <p>21 MR. McKENZIE: To the extent you developed</p> <p>22 that during the course of deliberating on your vote, I</p> <p>23 instruct you not to answer. If it's public or you</p> <p>24 developed it after the voting of SB 14, you may answer</p> <p>25 the question.</p>	<p style="text-align: center;">207</p> <p>1 developed after the fact, you may answer the question.</p> <p>2 A. My concerns are in the House journal with my</p> <p>3 conversations with Patricia Harless.</p> <p>4 Q. (By Mr. Gear) And specifically, what concerns do</p> <p>5 you express there?</p> <p>6 A. I don't. I asked questions. I asked her if it</p> <p>7 was her intention for the bill to disenfranchise ethnic</p> <p>8 minority voters. And then I asked if there was anybody</p> <p>9 who joint authored or co-authored the bill, if it was</p> <p>10 their intention to disenfranchise the minority voters.</p> <p>11 Q. Are you aware of any public communications or</p> <p>12 analysis of documents which would support that, either</p> <p>13 co-authors or co sponsors or authors or anyone that was</p> <p>14 related to -- involved in drafting SB 14, are you aware</p> <p>15 of any steps that they took to ensure that SB 14 would</p> <p>16 not disenfranchise ethnic minority voters?</p> <p>17 A. The purpose of asking the questions was to -- was</p> <p>18 to find that exact point. And that's why I asked --</p> <p>19 that's why I asked the questions.</p> <p>20 Q. And other than asking the questions and getting</p> <p>21 and answer, did you take any personal steps to determine</p> <p>22 if SB 14 would disenfranchise ethnic minority voters?</p> <p>23 A. No.</p> <p>24 Q. Turning your attention to what's been marked as</p> <p>25 Exhibit 224, do you see this?</p>
<p style="text-align: center;">206</p> <p>1 BY MR. GEAR:</p> <p>2 Q. And that's a "yes" or "no" answer.</p> <p>3 A. Well, I'm talking about -- I'm talking about the</p> <p>4 disenfranchised.</p> <p>5 Q. Wait a second? You're looking at Exhibit --</p> <p>6 A. 224.</p> <p>7 Q. 224. I'm asking you specifically -- and I'm not</p> <p>8 asking about that exhibit?</p> <p>9 MR. McKENZIE: Whether or not -- whether or</p> <p>10 not he has an opinion?</p> <p>11 BY MR. GEAR:</p> <p>12 Q. I'm asking if you have an opinion. And I'm sorry</p> <p>13 if that was confusing.</p> <p>14 A. Yeah. If I have an opinion whether minorities</p> <p>15 are disenfranchised?</p> <p>16 Q. No. Are less likely to possess the required ID</p> <p>17 under SB 14?</p> <p>18 A. I don't have an opinion.</p> <p>19 Q. Are you concerned if -- if the concerns that were</p> <p>20 expressed by the opponents of SB 14 are accurate, are</p> <p>21 you concerned that that would have a disproportionate</p> <p>22 affect on minority voters in the State of Texas?</p> <p>23 MR. McKENZIE: I'll object to the extent you</p> <p>24 developed a concern in the course of your voting or</p> <p>25 deliberations to vote. If you have a concern that was</p>	<p style="text-align: center;">208</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me what this is?</p> <p>3 A. This is a letter to me from Boyd L. Ritchey from</p> <p>4 the chairman of the Texas Democratic party.</p> <p>5 Q. You earlier referenced a TV interview that you</p> <p>6 gave regarding voter ID issues. Do you recall that?</p> <p>7 A. Yes.</p> <p>8 Q. And would that be the YNN Capital Tonight</p> <p>9 interview that aired on October 24th?</p> <p>10 A. I don't know the date of the airing. But it was</p> <p>11 the YNN interview.</p> <p>12 Q. And do you see the statement attributed to you in</p> <p>13 this October 21, 2011 letter from Boyd Ritchey?</p> <p>14 A. Quote, "What the Democrats aren't taking into</p> <p>15 consideration is, the numbers they saw do not include</p> <p>16 all seven forms of identification. It only includes a</p> <p>17 few of them. We feel confident that once all forms are</p> <p>18 included, no one will be disenfranchised and people will</p> <p>19 have access to the poles. And remember it's about voter</p> <p>20 integrity in the first place."</p> <p>21 Q. When you say, "we feel confident," who are you</p> <p>22 referencing?</p> <p>23 A. In this particular context, the body, the House,</p> <p>24 the body.</p> <p>25 Q. Did the entire body of the House feel confident,</p>



<p style="text-align: center;">209</p> <p>1 based on your knowledge, that SB 14 would not</p> <p>2 disenfranchise ethnic minority voters?</p> <p>3 A. I would say there was -- well, you don't have a</p> <p>4 vote total on this. I would say there were, as</p> <p>5 indicated by their "I" votes that those that voted "I".</p> <p>6 But this doesn't have the floor. This is just the</p> <p>7 committee votes.</p> <p>8 Q. Well, is it fair to say that not all members of</p> <p>9 the House voted in favor of SB 14?</p> <p>10 A. That's correct.</p> <p>11 Q. Do you know how many Hispanic legislators voted</p> <p>12 in favor of SB 14?</p> <p>13 A. Not without having it in front of me. But I</p> <p>14 would say there were six.</p> <p>15 Q. You're looking at the online legislative history?</p> <p>16 A. Correct.</p> <p>17 Q. And the you're saying that does not reflect the</p> <p>18 votes?</p> <p>19 A. It does not reflect the votes. It does not.</p> <p>20 That is just committee votes.</p> <p>21 Q. Would you agree that a majority of the House</p> <p>22 members that were Hispanics did not support and vote in</p> <p>23 favor of SB 14?</p> <p>24 A. Yes.</p> <p>25 Q. Are there any African-American House members?</p>	<p style="text-align: center;">211</p> <p>1 steps?</p> <p>2 A. That is correct.</p> <p>3 Q. Are you aware of anyone regarding -- during the</p> <p>4 legislative debates for SB 14, who researched this issue</p> <p>5 or conducted analysis of this issue that supports</p> <p>6 that -- that no one would be disenfranchised under the</p> <p>7 provisions of SB 14?</p> <p>8 MR. McKENZIE: May I ask a clarifying</p> <p>9 question?</p> <p>10 MR. GEAR: Sure.</p> <p>11 MR. McKENZIE: Is that confined to public</p> <p>12 record or is that --</p> <p>13 MR. GEAR: The public record.</p> <p>14 A. I don't know about the public record, other than</p> <p>15 what's in the bill and the questions that were asked</p> <p>16 here.</p> <p>17 Q. (By Mr. Gear) Did you ever publicly inquire,</p> <p>18 other than your statement here to Representative</p> <p>19 Harless, to anyone -- other legislator whether or not</p> <p>20 SB 14 would disenfranchise ethnic minority voters?</p> <p>21 A. Not that I recall.</p> <p>22 Q. You referenced seven forms of identification --</p> <p>23 let me put that into proper context. What the Democrats</p> <p>24 aren't taking into consideration is, the numbers they</p> <p>25 saw do not include all seven forms of identification.</p>
<p style="text-align: center;">210</p> <p>1 A. Yes.</p> <p>2 Q. How many African-American House members voted in</p> <p>3 favor of SB 14?</p> <p>4 A. I would have to see the vote totals to know.</p> <p>5 Q. Are you aware of any that voted in favor of SB</p> <p>6 14?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know who that is?</p> <p>9 A. I'm pretty sure it was Stephanie Carter.</p> <p>10 Q. Are you aware of anyone else, other than</p> <p>11 Stephanie Carter, that is an African-American and House</p> <p>12 member that voted in favor of SB 14?</p> <p>13 A. I think James white did, African-American from</p> <p>14 East Texas but I would have to look at the vote totals.</p> <p>15 Q. Do you know how many African-American House</p> <p>16 members there are?</p> <p>17 A. No.</p> <p>18 Q. Now, I would just like to ask you again, you</p> <p>19 reference here that no one will be disenfranchised and</p> <p>20 people will have access to the poles. Did you take any</p> <p>21 public steps, anything on the public record during the</p> <p>22 legislative debates for SB 14, which would support your</p> <p>23 position that no one would be disenfranchised by SB 14?</p> <p>24 A. Just the questions I asked of Ms. Harless.</p> <p>25 Q. Okay. And other than that, you took no other</p>	<p style="text-align: center;">212</p> <p>1 What seven forms of identification were you referencing?</p> <p>2 A. The ones listed in Senate Bill 14. In Section --</p> <p>3 Section 14 of the bill, which is section 63.0101 of</p> <p>4 Senate Bill 14. So driver's license, military ID card,</p> <p>5 citizenship certificate, passport, CHL, driver's</p> <p>6 license, and State issued ID card and military ID,</p> <p>7 citizenship certificate, passport, CHL, and I'm counting</p> <p>8 six.</p> <p>9 MR. GEAR: Go off the record.</p> <p>10 (Discussion off the record.)</p> <p>11 BY MR. GEAR:</p> <p>12 Q. Were you done?</p> <p>13 A. Yes.</p> <p>14 Q. Why did you say in this statement that this is</p> <p>15 about voter integrity. This is not a purpose of SB 14</p> <p>16 that you listed earlier; is that right?</p> <p>17 A. Yeah. It was the integrity of the system, I</p> <p>18 believe, is what I said. The integrity of the system.</p> <p>19 Q. Are there other purposes to SB 14 that you're</p> <p>20 aware of?</p> <p>21 A. Integrity of the system...</p> <p>22 Q. As you sit here the day, are you aware of any</p> <p>23 other purposes of SB 14?</p> <p>24 A. No. No. It was voter confidence, integrity of</p> <p>25 the system.</p>



<p style="text-align: center;">213</p> <p>1 Q. Are you aware of the number of minority voters, 2 and when I say "minority voters" I'm referencing Black 3 and Hispanic, who lack a driver's licenses in the State 4 of Texas? 5 A. No. 6 Q. Are you aware of minority voters, Black and 7 Hispanic, who lack a State issued identification card 8 from the Department of Public Safety? 9 A. I read -- I read something that broke those 10 numbers down. But I can't tell you what I was reading. 11 Q. Is it fair to say that number of minority voters, 12 Black and Hispanic, that lack allowable driver's license 13 or identification card is higher than Anglos? 14 MR. McKENZIE: Object to the extent you 15 gathered knowledge like that during legislative process. 16 But if you have never gathered knowledge, you may 17 answer. 18 BY MR. GEAR: 19 Q. And you're testifying to -- 20 A. I have no idea. 21 Q. Okay. Do you know how many minority voters, 22 Black or Hispanic, are in possession of concealed 23 handgun licenses? 24 A. I don't know that. 25 Q. Are you aware of any existing communications that</p>	<p style="text-align: center;">215</p> <p>1 communications are private or communications that were 2 had during the legislative process. But if they are 3 public and not part of the legislative process, you may 4 answer. 5 A. Just what the -- just what the quote is there. 6 I've already Stated. 7 Q. (By Mr. Gear) Can you testify to any 8 communication that supports your opinion that no voter 9 will be disenfranchised under SB 14? 10 MR. McKENZIE: Same objection. 11 A. Legislative privilege on that. 12 Q. (By Mr. Gear) And that's -- that's any 13 communication that the that would be public or private? 14 A. Legislative privilege on that. 15 Q. I don't believe you can assert legislative 16 privilege on public communications. 17 A. Well, divide the questions up. What are you 18 asking me? 19 Q. Are you aware of any communications, public 20 communications that would support your position that SB 21 14 would not disenfranchise ethnic minority voters? 22 A. Only what's in the record that I asked 23 Representative Harless. 24 Q. Are you aware of any private communications that 25 exist that support your position that SB 14 would not</p>
<p style="text-align: center;">214</p> <p>1 identify how many Texas voters are in possession of a US 2 military card? 3 A. I don't know that. 4 Q. Do you know how many minorities, Black or 5 Hispanic, are in possession of a US military card? 6 A. I don't know that. 7 Q. Are you aware of any communications -- public 8 communications during the legislative debate on SB 14 9 that would identify how many Texas voters are in 10 possession of a passport? 11 A. I don't recall that part of the debate. 12 Q. Are you aware of any existing document or report 13 that identifies how many Texas voters are in possession 14 of a citizenship certificate with a photo? 15 A. I'm not. 16 Q. Citizenship certificates can also be issued 17 without a photo. Do you know that? 18 A. No. 19 Q. Is that "no, they cannot," or "no, you're not 20 aware"? 21 A. No. I'm not aware. Sorry. 22 Q. Identify any communication that you're aware of 23 that supports your position that no voter will be 24 disenfranchised under SB 14. 25 MR. McKENZIE: Object to the extent the</p>	<p style="text-align: center;">216</p> <p>1 disenfranchise ethnic minority voters? 2 A. And that's the legislative privilege. 3 Q. Do you believe that SB 14 is color blind? 4 A. Yes. 5 Q. What's the basis for your statement? 6 A. That it doesn't address color. 7 Q. Well, you heard expressed -- concerns expressed 8 by opponents of the bill that SB 14 would have a 9 disproportionate impact on minority voters. Do you 10 recall testifying to that? 11 A. I recall that they said it, yes. 12 Q. Okay. Do you have a concern as to whether or not 13 SB 14 would disproportionately impact minority voters? 14 MR. McKENZIE: I'm going to object to the 15 extent you developed a concern or opinion during the 16 course of your legislative deliberations. Any opinions 17 independent of that, you may answer the question. 18 A. As per my interview, I don't think that they will 19 be. 20 Q. (By Mr. Gear) And do you have any public 21 communication that supports your position that ethnic 22 minorities voters will not be disenfranchised if SB 14 23 is implemented? 24 A. No. 25 Q. Can you tell me each and every basis that your --</p>

<p style="text-align: center;">217</p> <p>1 that your position that ethnic minorities will not be 2 disenfranchised by SB 14 is based upon? 3 ATTORNEY2: Objection; vague. And objection 4 to the extent the communications are not public and 5 legislative communications. But subject to those 6 qualifications if they are public communications, you 7 may answer. 8 A. I'm sorry. Can you ask the question again for 9 me? 10 Q. (By Mr. Gear) We can strike that question. All 11 right. Let me try to wrap this up. Let me turn your 12 attention to the March 23, 2011 regular session floor 13 debate that you've referenced throughout your 14 deposition. Could you turn to Page 1016? 15 A. Okay. I'm ready. 16 Q. I direct your attention to amendment No. 55. Do 17 you see that? 18 A. I do. 19 Q. What does this amendment address? 20 A. The use of voter registration certificate 21 following certain elections. 22 Q. And what does that reference? 23 A. Provisional votes. 24 Q. Do you believe that if amendment No. 55 was 25 adopted that it would have mitigated the impact to</p>	<p style="text-align: center;">219</p> <p>1 is, would this amendment, if adopted, have mitigated the 2 impact on minority voters and I'm referencing SB 14? 3 A. I don't know. 4 Q. Let me turn your attention to amendment No. 54 on 5 Page 1015. Do you see that? 6 A. Yes. 7 Q. Can you tell me what this amendment is? 8 A. Sure. "The Secretary of State is keeping 9 demographic information relating to eligible voters who 10 are prevented from voting as a result of failure to make 11 requirements for being accepted to vote, and the 12 eligible voters who are required to file provisional 13 ballots as a result of the requirements being accept to 14 vote that include the number of provisional ballots that 15 were not counted." And then it gives them -- looks like 16 rulemaking authority in Section B. 17 Q. And this is an amendment that was offered to 18 SB 14? 19 A. Yes. 20 Q. And how did you vote on this amendment? 21 A. I don't know. Well, the motion was to table and 22 I voted to table. 23 Q. Why did you vote to table this amendment? 24 MR. McKENZIE: I'm going to instruct you not 25 to answer to the extent the reasons why you vote and the</p>
<p style="text-align: center;">218</p> <p>1 minority voters in reference to SB 14? 2 MR. McKENZIE: To the extent you have a 3 belief that you developed prior to voting on SB 14 or 4 voting on this amendment, to the extent you could vote 5 on the amendment, I would instruct you not to answer. 6 To the extent you never had an opinion and you developed 7 one after the fact, you may answer the question. 8 A. I never had an opinion on registration 9 certificate problems. 10 Q. (By Mr. Gear) If you were aware that SB 14 had a 11 disproportionate impact on minority voters, would you 12 want to remedy that? 13 A. Yes. 14 Q. Do you think that amendment No. 55 would have 15 mitigated the impact on minority voters if adopted? 16 A. I don't know. 17 Q. Does this amendment, and I'm referring to 18 amendment No. 55, allow the Secretary of State to keep 19 track of provisional ballots by race? 20 A. Yeah. It says, "Secretary of State shall 21 determine whether, through out the State, majority of 22 persons who are required to cast provisional ballot were 23 members of a racial or ethnic minority." So that's what 24 that does. 25 Q. So again, the question that I had posed to you</p>	<p style="text-align: center;">220</p> <p>1 way you vote are not public. 2 A. Legislative privilege. 3 Q. (By Mr. Gear) Would this amendment allow the 4 Secretary of State to keep tract of provisional ballots 5 cast due to the lack of ID on the basis of race? 6 A. Let's see here. I don't see -- and help me on 7 the basis of race -- anywhere in amendment No. 54. Am I 8 missing that? It does not say race in amendment 54. 9 And based on my reading, I would say no. 10 Q. Well, what this does say is that the -- this 11 deals with the Secretary of State recordkeeping, 12 correct? 13 A. Yes. 14 Q. And it allows the Secretary of State to keep 15 records showing for the State in each county and each 16 election precinct demographic information related to. 17 Do you see that? 18 A. Yes. 19 Q. The eligible voters who were prevented from 20 voting as a result of failing to meet the requirements 21 for being accepted to vote. Do you see that? 22 A. Yes. 23 Q. It also allows the Secretary of State to keep 24 records related to the eligible voters who were required 25 to file provisional ballots as a result -- as a result</p>



<p style="text-align: center;">221</p> <p>1 of the requirements for being accepted to vote that</p> <p>2 include the number of those provisional ballots that</p> <p>3 were not counted. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And Section B says, "the Secretary of State may</p> <p>6 adopt rules to implement this section, including rules</p> <p>7 requiring other State agencies and authorities holding</p> <p>8 elections to record information relevant to the record</p> <p>9 required by this section." Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And you voted against that, correct?</p> <p>12 A. I voted for the motion to table.</p> <p>13 Q. I want to direct your attention to amendment</p> <p>14 No. 50 which is on Page 1009.</p> <p>15 A. Okay.</p> <p>16 Q. Can you tell me what this is, the amendment?</p> <p>17 A. Amendment by Raymond regarding travel</p> <p>18 reimbursement program. It's says "Department of Public</p> <p>19 Safety shall establish and operate a travel</p> <p>20 reimbursement program which -- under which individuals</p> <p>21 whose earnings are not more than 100 percent of the</p> <p>22 income standard established by applicable federal</p> <p>23 poverty guidelines, may submit an application for</p> <p>24 reimbursement to the Department to recover the expenses</p> <p>25 incurred by the individual travelling to and from the</p>	<p style="text-align: center;">223</p> <p>1 the State of Texas?</p> <p>2 A. I have no idea if that number is right or not.</p> <p>3 Q. Do you have any knowledge of the number of</p> <p>4 Texans -- Texans who fall below the poverty line in the</p> <p>5 State of Texas?</p> <p>6 A. I do not.</p> <p>7 Q. If -- if that number was correct, that there are</p> <p>8 four million Texans who fall below the poverty line, do</p> <p>9 you believe that the amendment that was offered by</p> <p>10 Representative Raymond would have mitigated the impact</p> <p>11 to those poor voters?</p> <p>12 A. I don't know if it does that.</p> <p>13 Q. Did you make any effort to find out?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 MR. McKENZIE: Object on the basis of</p> <p>17 legislative privilege, the deliberations during session</p> <p>18 and if they're public, you may answer. If they're not I</p> <p>19 would instruct, you not to answer.</p> <p>20 A. Legislative privilege.</p> <p>21 Q. (By Mr. Gear) Are you refusing to answer that</p> <p>22 question based on advice of your counsel?</p> <p>23 A. Yes.</p> <p>24 Q. Why wouldn't this -- do you have an opinion as to</p> <p>25 whether or not this amendment would benefit or help poor</p>
<p style="text-align: center;">222</p> <p>1 Department office to obtain a photo identification for</p> <p>2 purposes of voting."</p> <p>3 Q. Do you believe that if this amendment was adopted</p> <p>4 it would have mitigated the impact to minority voters in</p> <p>5 reference to SB 14?</p> <p>6 A. I don't know if that would have mitigated the</p> <p>7 minority -- I forget the verb you used.</p> <p>8 Q. The impact.</p> <p>9 A. Impact. Impact.</p> <p>10 Q. To minority voters who -- in reference to SB 14.</p> <p>11 A. I don't know if this would have done that.</p> <p>12 Q. I direct your attention to Page 1010, and</p> <p>13 Representative Raymond's discussion with Representative</p> <p>14 Phillips. Representative Raymond indicates rights. So</p> <p>15 we've got four million people I would call poor. I</p> <p>16 mean, this would be someone who earns, if your an</p> <p>17 individual, someone who earned \$10,800 a year. If</p> <p>18 you're a family of two, it would be \$14,000 a year.</p> <p>19 Families earned \$10,000 -- families of three, \$18,000 a</p> <p>20 year. Do you see that?</p> <p>21 A. I'm going to reread this real quickly. Let me</p> <p>22 read it real quickly. Yes.</p> <p>23 Q. Do you agree with Representative Raymond's</p> <p>24 position that there are four million Texans who fall</p> <p>25 below the poverty line or who were considered poor in</p>	<p style="text-align: center;">224</p> <p>1 voters to obtain allowable forms of ID under SB 14?</p> <p>2 A. I don't have -- can you ask me again real</p> <p>3 quickly?</p> <p>4 MR. GEAR: Can you read that back?</p> <p>5 (Requested question was read.)</p> <p>6 MR. McKENZIE: You may answer "yes" or "no."</p> <p>7 But not the substance, if it's not public, your opinion.</p> <p>8 A. I don't think this does what -- I think the</p> <p>9 answer is no, but I keep forgetting the question.</p> <p>10 Q. (By Mr. Gear) Do you need her to read it back?</p> <p>11 A. Yes.</p> <p>12 MR. GEAR: Could you read it back again</p> <p>13 please?</p> <p>14 (Requested question was read.)</p> <p>15 MR. McKENZIE: Same objection.</p> <p>16 BY MR. GEAR:</p> <p>17 Q. Do you have an answer?</p> <p>18 A. I don't have an opinion.</p> <p>19 Q. Turn your attention to amendment No. 35 on Page</p> <p>20 991. Do you see that?</p> <p>21 A. Not yet. Okay.</p> <p>22 Q. Can you tell me what this amendment is?</p> <p>23 A. I don't see an amendment. I just see a statement</p> <p>24 of legislative intent. Am I missing something? There's</p> <p>25 not an amendment here.</p>



<p style="text-align: center;">225</p> <p>1 Q. Page 991?</p> <p>2 A. Right.</p> <p>3 Q. Amendment No. 35?</p> <p>4 A. Oh, that one line. Okay. Sorry, I missed that.</p> <p>5 Now that I see the amendment, can you ask me the</p> <p>6 question again?</p> <p>7 Q. What is this amendment?</p> <p>8 A. I don't know. I would have to go back and pull</p> <p>9 Section 203 and 14 F and 4 of the Voting Rights Act.</p> <p>10 Q. Do you see that it references Section 203 and 4F</p> <p>11 of the Voting Rights Act?</p> <p>12 A. 203 and 14 F4, yes.</p> <p>13 Q. And do you know what Section 203 and 14 F 4 are</p> <p>14 under the Voting Rights Act?</p> <p>15 A. I do not.</p> <p>16 Q. If I was to tell you that Section 203 of the</p> <p>17 Voting Rights Act applies to the Spanish language</p> <p>18 provisions of the Voting Rights Act, would you agree</p> <p>19 that it would be necessary in implementing SB 14 to also</p> <p>20 allow Spanish language provisions?</p> <p>21 A. I don't know. I would need you to sit down with</p> <p>22 me and show me those sections.</p> <p>23 Q. If Section 203 indicated that all election</p> <p>24 related material needed to be translated into both</p> <p>25 English and Spanish, do you believe that that's a good</p>	<p style="text-align: center;">227</p> <p>1 the advice of your counsel?</p> <p>2 A. That's correct.</p> <p>3 Q. Turn to amendment No. 34 which is on Page 987.</p> <p>4 A. Okay.</p> <p>5 Q. Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. And can you tell me what amendment No. 34</p> <p>8 addresses?</p> <p>9 A. Section 5, Section 203 and Section 4 F 4 of the</p> <p>10 Voting Rights Act.</p> <p>11 Q. Do you see the public debate between</p> <p>12 Representative Harless and Representative Raymond where</p> <p>13 Representative Raymond asks, "do you believe that</p> <p>14 there's discrimination in the voting place?" Do you see</p> <p>15 that?</p> <p>16 A. What page do you have there?</p> <p>17 Q. Page 897 -- or 987. I'm sorry.</p> <p>18 A. Yes. I'm sorry. Yes. At the top.</p> <p>19 Q. And I'll ask you that question, do you believe</p> <p>20 that there is discrimination in the voting places in</p> <p>21 Texas?</p> <p>22 A. No.</p> <p>23 Q. So I'm clear, you do not believe that</p> <p>24 discrimination occurs at the voting place in -- places</p> <p>25 in the State of Texas?</p>
<p style="text-align: center;">226</p> <p>1 thing under SB 14?</p> <p>2 MR. McKENZIE: I'll object as vague. But go</p> <p>3 ahead and answers it.</p> <p>4 A. I don't know that I can. I don't know if that</p> <p>5 represents what Senator Raymond is trying to address.</p> <p>6 Q. Well, what do you think he's trying to address</p> <p>7 here?</p> <p>8 A. I don't know.</p> <p>9 Q. How did you vote on this amendment?</p> <p>10 A. Okay. Here we go. The motion was to table and I</p> <p>11 voted to table.</p> <p>12 Q. And this amendment addresses the Voting Rights</p> <p>13 Act, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you already testified that you believed that</p> <p>16 the Voting Rights Act should apply to SB 14?</p> <p>17 A. Yes.</p> <p>18 Q. Why did you vote to table this amendment?</p> <p>19 A. Because --</p> <p>20 MR. McKENZIE: I'm going to object on</p> <p>21 legislative privilege grounds to the extent your</p> <p>22 reasoning is not public. To the extent it's public, you</p> <p>23 may answer the question.</p> <p>24 A. I'll claim legislative privilege on that.</p> <p>25 Q. (By Mr. Gear) And you're not answering that on</p>	<p style="text-align: center;">228</p> <p>1 A. Correct.</p> <p>2 Q. And how did you vote on that amendment?</p> <p>3 A. Let's see here. The motion was to table and I</p> <p>4 voted to table the amendment.</p> <p>5 Q. Turn your attention to Page 979, Exhibit No. --</p> <p>6 amendment No. 23. Do you see that amendment?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Can you tell me what this amendment addresses?</p> <p>9 A. This amendment addresses a student ID card issued</p> <p>10 by a public or private high school or institution of</p> <p>11 higher education that contains the person's photograph.</p> <p>12 Q. What's the purpose of this amendment?</p> <p>13 A. I would have to read it in context from</p> <p>14 subdivision 5, because you're inserting it as a stand</p> <p>15 alone. But I don't have the language in front of it. I</p> <p>16 don't know what it's purpose is.</p> <p>17 Q. Is that language contained without the floor</p> <p>18 debate of March 23rd?</p> <p>19 A. Is the language contained?</p> <p>20 Q. Well, you're referencing that you don't have the</p> <p>21 language. You would need to see the language.</p> <p>22 A. Right. You just pull up the language on the</p> <p>23 computer and look at it.</p> <p>24 Q. So as you sit here today, you don't know what</p> <p>25 amendment No. 23 -- what the purpose of amendment No. 23</p>



<p style="text-align: center;">229</p> <p>1 is?</p> <p>2 A. No. It's just out of context for me.</p> <p>3 Q. Amendment No. 23 addresses the student</p> <p>4 identification card issued by a public or private high</p> <p>5 school or institution of higher education that contains</p> <p>6 the person's photograph, correct?</p> <p>7 A. Yes.</p> <p>8 Q. How did you vote on that amendment?</p> <p>9 A. The motion was to table and I voted yes, to</p> <p>10 table.</p> <p>11 Q. Do you believe that if this amendment was adopted</p> <p>12 it would have reduced the impact to minority voters in</p> <p>13 reference to SB 14?</p> <p>14 MR. McKENZIE: I'm going to object that it</p> <p>15 assumes facts not in evidence about the impact on</p> <p>16 minority voters, but you may answer the question.</p> <p>17 A. I don't know that it does or it doesn't.</p> <p>18 Q. (By Mr. Gear) Turn your attention to Exhibit --</p> <p>19 amendment No. 15 on Page 969.</p> <p>20 A. Okay. I'm ready.</p> <p>21 Q. Do you see that amendment?</p> <p>22 A. Yes.</p> <p>23 Q. Can you tell me what this amendment does?</p> <p>24 A. Talking about fees prohibited for certain forms</p> <p>25 of identification documentation.</p>	<p style="text-align: center;">231</p> <p>1 MR. GEAR: Okay. Then let me clarify. I</p> <p>2 think you're probably right.</p> <p>3 MR. McKENZIE: Okay.</p> <p>4 BY MR. GEAR:</p> <p>5 Q. When I'm talking about underlying documentation</p> <p>6 to obtain a driver's license, can you simply go to a DPS</p> <p>7 office without any documentation and ask and obtain a</p> <p>8 Texas driver's license?</p> <p>9 A. Without any documentation?</p> <p>10 Q. Correct.</p> <p>11 A. I don't know.</p> <p>12 Q. Well, when you went to renew your driver's</p> <p>13 license did you need to bring underlying documentation</p> <p>14 to obtain a renewed driver's license?</p> <p>15 A. I don't remember what I brought with me. I don't</p> <p>16 know if I have to or not. I can't remember.</p> <p>17 Q. So do you know if obtaining a birth</p> <p>18 certificate -- a certified birth certificate in the</p> <p>19 State of Texas is free?</p> <p>20 A. I don't think it is.</p> <p>21 Q. Do you know what the cost of a birth certificate</p> <p>22 is?</p> <p>23 A. No.</p> <p>24 Q. If I or some other voters lost their social</p> <p>25 security card, is there a cost for renewing or obtaining</p>
<p style="text-align: center;">230</p> <p>1 Q. And what's the purpose of this amendment?</p> <p>2 A. It's saying that an agency, institution or</p> <p>3 political subdivision of the State may not charge any</p> <p>4 fee for the issuance of any document that may be used as</p> <p>5 proof or identification under this chapter or to obtain</p> <p>6 a document that may be used as proof or identification</p> <p>7 under this chapter.</p> <p>8 Q. So this addresses the underlying documentation</p> <p>9 required to obtain the allowable forms of identification</p> <p>10 under SB 14, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Would you agree that the underlying documentation</p> <p>13 required to obtain an allowable form of ID under SB 14</p> <p>14 are not free?</p> <p>15 A. I don't know about each of the -- well, there's</p> <p>16 six or seven of them.</p> <p>17 Q. You're saying there are six or seven underlying</p> <p>18 documents that you could use to obtain the allowable</p> <p>19 form of identification?</p> <p>20 A. Right.</p> <p>21 Q. Can you identify which six or seven you're</p> <p>22 referencing?</p> <p>23 MR. McKENZIE: Counsel, I think he's</p> <p>24 confused about underlying documentation versus the ID</p> <p>25 itself.</p>	<p style="text-align: center;">232</p> <p>1 a new copy of a social security card?</p> <p>2 A. No idea.</p> <p>3 Q. Have you ever lost your social security card?</p> <p>4 A. No.</p> <p>5 Q. Do you know what you need to do to obtain a new</p> <p>6 copy of a social security card?</p> <p>7 A. No.</p> <p>8 Q. Do you know if there's any cost associated with</p> <p>9 obtaining a copy of a social security card?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if there's any cost for obtaining the</p> <p>12 underlying documentation required to obtain an allowable</p> <p>13 form of ID under SB 14?</p> <p>14 A. Underlying document, just so that I'm clear,</p> <p>15 you're talking about the birth certificate? You're</p> <p>16 talking about something you have to give to somebody to</p> <p>17 get and ID. Is that what you're talking about?</p> <p>18 Q. I tried to start this conversation off by giving</p> <p>19 you a hypothetical. If you, Mr. Voter went into a</p> <p>20 polling place and you had no identification, no</p> <p>21 credentials and no paperwork, could you simply obtain a</p> <p>22 driver's license from the State of Texas, a DPS office?</p> <p>23 A. I don't know the criteria to get a driver's</p> <p>24 license from DPS. I don't know what you have to give</p> <p>25 them to get a driver's license.</p>



<p style="text-align: center;">233</p> <p>1 Q. Okay. How did you vote on this amendment No. 15?</p> <p>2 A. The motion was to table and I voted to table the</p> <p>3 amendment.</p> <p>4 Q. Well, if you had to give some form of</p> <p>5 documentation to obtain a Texas driver's license, but</p> <p>6 you lost that and you had to renew it, would the cost</p> <p>7 for a driver's license be free?</p> <p>8 A. I guess what you're asking me, is there a cost</p> <p>9 to -- the stuff you have to give them, right, to get</p> <p>10 your driver's license?</p> <p>11 Q. That's correct.</p> <p>12 A. I don't know if there's a cost for that or not.</p> <p>13 Q. Is there a cost for a driver's license?</p> <p>14 A. Yes.</p> <p>15 Q. Is there a cost for a State issued ID card in the</p> <p>16 State of Texas?</p> <p>17 A. Don't know.</p> <p>18 Q. I think we can take a quick break and I can wrap</p> <p>19 up my portion of this?</p> <p>20 (Brief recess.)</p> <p>21 BY MR. GEAR:</p> <p>22 Q. Back on the record. Are there any provisions in</p> <p>23 SB 14, and I'm referring to Exhibit 5 which reference</p> <p>24 free -- or election identification certificates. And I</p> <p>25 direct your attention to Page 13.</p>	<p style="text-align: center;">235</p> <p>1 for the purposes of code. I don't see that they have to</p> <p>2 give them -- unless I'm just reading that wrong.</p> <p>3 Q. You were a cosponsor of SB 14, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Was there public debate during the discussion of</p> <p>6 SB 14 regarding what would be required to be presented</p> <p>7 to obtain an election certificate, election</p> <p>8 identification certificate?</p> <p>9 A. I don't recall any conversation about election</p> <p>10 identification certificate.</p> <p>11 Q. I'll direct your attention to Page 14-F. The</p> <p>12 department may require each applicant for an original or</p> <p>13 renewal election identification certificate to furnish</p> <p>14 to the department the information required by section</p> <p>15 521.142. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what's required under Section</p> <p>18 521.142?</p> <p>19 A. I don't.</p> <p>20 Q. Would that suggest that a person who is -- who</p> <p>21 walks in to obtain a certificate would have to present</p> <p>22 identification?</p> <p>23 A. It's saying that the Department may require,</p> <p>24 doesn't have to, it may require each applicant for an</p> <p>25 original or renewal application certificate to furnish</p>
<p style="text-align: center;">234</p> <p>1 A. Yes.</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And it says the department shall issue an</p> <p>5 election identification certificate to a person who</p> <p>6 states that the person is obtaining the certificate for</p> <p>7 the purposes of satisfying section 63.001 B. Do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. And does election code -- and does not have</p> <p>11 another form of identification described by section</p> <p>12 63.0101 election code. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if there's a requirement to present</p> <p>15 identification if you do not have to obtain an election</p> <p>16 identification certificate if you do not have one of the</p> <p>17 allowable forms of ID under SB 14?</p> <p>18 A. I'm sorry. I didn't follow that.</p> <p>19 Q. What, if any, documentation do you need to</p> <p>20 present to obtain an election identification certificate</p> <p>21 under SB 14?</p> <p>22 A. I'm not seeing one. Unless I'm missing it, I'm</p> <p>23 not seeing what you have to give to them to get an</p> <p>24 election identification certificate. It talks about if</p> <p>25 the person states that they are getting that certificate</p>	<p style="text-align: center;">236</p> <p>1 the Department. So not required, but they may require</p> <p>2 it.</p> <p>3 Q. Would you agree if the underlying documents cost</p> <p>4 money that the election certificate would not be free?</p> <p>5 A. I don't -- if they cost money?</p> <p>6 Q. That's correct.</p> <p>7 A. Yes. Yes. Well, might. It says may. It didn't</p> <p>8 say shall. It says may. So it may. Doesn't say that</p> <p>9 it will.</p> <p>10 Q. So a person who has to obtain the underlying</p> <p>11 documentation to obtain an election certificate and pays</p> <p>12 money to do that, would you then agree that the election</p> <p>13 certificate is not free?</p> <p>14 A. If -- I mean, if they -- if they require it,</p> <p>15 right. Because it doesn't say that they are making them</p> <p>16 give that. Am I reading that correctly?</p> <p>17 Q. You tell me. You're the author of the bill, the</p> <p>18 cosponsor of the bill.</p> <p>19 A. I don't know.</p> <p>20 Q. Do you want to change any of your answers that</p> <p>21 you provided here today?</p> <p>22 A. I don't think so.</p> <p>23 Q. Is there any information that you recall now that</p> <p>24 you didn't recall earlier during your deposition</p> <p>25 testimony?</p>



<p style="text-align: center;">237</p> <p>1 A. No, I don't think so.</p> <p>2 Q. Is there anything additional that you would want</p> <p>3 to share regarding SB 14?</p> <p>4 A. No.</p> <p>5 Q. Well, I have no additional questions today. And</p> <p>6 I thank you for your time and patience during this</p> <p>7 deposition. And I'm going to hold this deposition open</p> <p>8 based on the pending decision by the Court. So you may</p> <p>9 be called back to provide additional testimony. Do you</p> <p>10 understand that?</p> <p>11 A. Yes.</p> <p>12 Q. And I'm going to turn it over to my other</p> <p>13 colleagues.</p> <p>14 MR. BRAZIL: Good afternoon. I'm going</p> <p>15 to -- if you have trouble hearing me just ask me to</p> <p>16 speak up.</p> <p>17 THE WITNESS: Okay.</p> <p>18 EXAMINATION</p> <p>19 BY MR. BRAZIL:</p> <p>20 Q. Good afternoon. I'm going to jump around if I</p> <p>21 could to speed up the process and I will try not to</p> <p>22 repeat any of the questions that have already been</p> <p>23 asked. And I'll try to make my questions very specific.</p> <p>24 Have you ever served on a committee or subcommittee that</p> <p>25 has investigated in person voter fraud?</p>	<p style="text-align: center;">239</p> <p>1 MR. BRAZIL: 221.</p> <p>2 BY MR. BRAZIL:</p> <p>3 Q. If we believe their information, approximately</p> <p>4 30 percent of the 254 counties in Texas do not have DPS</p> <p>5 offices. Do you agree with that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any idea how many people live in</p> <p>8 those 77 counties?</p> <p>9 A. No idea.</p> <p>10 Q. Do you have any idea how many African-Americans</p> <p>11 live in those 77 counties?</p> <p>12 A. No idea.</p> <p>13 Q. Do you have any idea how many Asians?</p> <p>14 A. I have no idea.</p> <p>15 Q. Do you have any idea how many Latinos live in</p> <p>16 those 77 counties?</p> <p>17 A. I have no idea.</p> <p>18 Q. Have you seen any other studies, investigation or</p> <p>19 research from any organization or entity that talks</p> <p>20 about those 77 counties?</p> <p>21 MR. McKENZIE: To the extent you've seen it</p> <p>22 as part of your deliberations I would object on</p> <p>23 privileged grounds. But to the extent you've seen it</p> <p>24 outside of that, you're free to answer.</p> <p>25 A. Just here.</p>
<p style="text-align: center;">238</p> <p>1 A. No, sir.</p> <p>2 Q. Have you ever served on a committee or</p> <p>3 subcommittee that's ever investigated mail in fraud,</p> <p>4 meaning voter registration or mail in ballots where</p> <p>5 there's some allegation of fraud. Have you ever served</p> <p>6 on a committee or subcommittee?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you ever personally observed in person voter</p> <p>9 fraud?</p> <p>10 A. No, sir.</p> <p>11 Q. Have you ever served on any kind of committee or</p> <p>12 any type of organization that has investigated</p> <p>13 allegations of mail in ballot fraud?</p> <p>14 A. No, sir.</p> <p>15 Q. Now, we talked about earlier, you did, about the</p> <p>16 DPS offices?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Just in general. And I think you said you did</p> <p>19 not know how many counties did not have DPS offices,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. If we -- if we believe the information that came</p> <p>23 from the -- let's see what it's called, Texas -- let's</p> <p>24 see here. Texas House Research Organization.</p> <p>25 MR. McKENZIE: Exhibit No.</p>	<p style="text-align: center;">240</p> <p>1 Q. (By Mr. Brazil) Just this information,</p> <p>2 Exhibit 22?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Are you aware of any independent studies</p> <p>5 of alleged voter fraud in Texas?</p> <p>6 A. Individual studies, no, sir.</p> <p>7 Q. Independent studies?</p> <p>8 A. Independent, no, sir.</p> <p>9 Q. Are you aware of any independent studies of</p> <p>10 alleged voter intimidation in Texas?</p> <p>11 A. No, sir.</p> <p>12 Q. Did you request any independent information on</p> <p>13 alleged voter fraud in Texas before you cosponsored SB</p> <p>14 14?</p> <p>15 MR. McKENZIE: I would object on privileged</p> <p>16 grounds as to what he requested unless it's public</p> <p>17 record in which case. You may answer.</p> <p>18 A. I guess I'll claim legislative privilege on that.</p> <p>19 Q. (By Mr. Brazil): Okay. Were you provided any</p> <p>20 independent research or information from any</p> <p>21 organization or entity before you cosponsored SB 14,</p> <p>22 that had anything to do be with allegations of voter</p> <p>23 fraud?</p> <p>24 A. Not that I recall seeing.</p> <p>25 Q. Do you agree that SB 14 addresses only the</p>



<p style="text-align: center;">241</p> <p>1 allegations of in person voter fraud?</p> <p>2 A. Yes.</p> <p>3 Q. Do you agree that it does not address the</p> <p>4 allegations of mail in voter fraud?</p> <p>5 A. Yes.</p> <p>6 Q. Are you aware of any voter -- in person voter</p> <p>7 fraud in Texas? Do you have any personal knowledge of</p> <p>8 one instance of someone voting for someone else in</p> <p>9 person?</p> <p>10 A. No.</p> <p>11 Q. Okay. Would you agree with me that based on all</p> <p>12 your testimony today and everything that you've seen,</p> <p>13 that this allegation or these allegations of in person</p> <p>14 voter fraud is really a myth, would you agree with me?</p> <p>15 A. No.</p> <p>16 Q. Well, if you have no information and we've never</p> <p>17 seen it before and we haven't seen any study show</p> <p>18 there's any in person fraud in Texas, why do you not</p> <p>19 disagree that it's just a myth?</p> <p>20 MR. McKENZIE: I don't think he's testified</p> <p>21 there's no studies out there ever. I think he's</p> <p>22 testified that none were provided to him and that's to</p> <p>23 the extent of his testimony.</p> <p>24 BY MR. BRAZIL: So is that instruction not</p> <p>25 to answer or is that an objection?</p>	<p style="text-align: center;">243</p> <p>1 affidavit from anyone who hesitated to you as a</p> <p>2 representative, that they personally observed voter --</p> <p>3 in person voter fraud in Texas?</p> <p>4 MR. McKENZIE: Object to state legislative</p> <p>5 provided that information. But if it's not a State</p> <p>6 legislator, you may go ahead and answer.</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. (By Mr. Brazil) Have you been to any, sometimes</p> <p>9 we call them town meetings, in your district where you</p> <p>10 have specifically discussed this allegation of in person</p> <p>11 voter fraud in Texas?</p> <p>12 A. I think it came up at like a forum. I couldn't</p> <p>13 recall the specifics or anything. There was a forum</p> <p>14 at -- oh, where were we, where somebody was asking a</p> <p>15 question. But I couldn't tell you a whole lot more than</p> <p>16 that. And we were talking about, in context, of in</p> <p>17 person fraud and voter ID. But I can't remember what</p> <p>18 they were asking.</p> <p>19 Q. Did you do anything before you cosponsored SB 14</p> <p>20 to determine what the reaction would be from your</p> <p>21 constituents in your district?</p> <p>22 MR. McKENZIE: I'm going to object on</p> <p>23 legislative privilege grounds. I think we're still</p> <p>24 covering legislative communications. To the extent it</p> <p>25 doesn't play into your thoughts, one way communication</p>
<p style="text-align: center;">242</p> <p>1 MR. McKENZIE: It's an objection.</p> <p>2 BY MR. BRAZIL:</p> <p>3 Q. You may still answer.</p> <p>4 A. Legislative privilege.</p> <p>5 MR. McKENZIE: You can answer.</p> <p>6 A. Repeat the question for me.</p> <p>7 Q. (By Mr. Brazil) Based on your testimony today</p> <p>8 and based on the fact that we really haven't seen</p> <p>9 anything that proves that there's no in person voter</p> <p>10 fraud in Texas and based on your testimony the last few</p> <p>11 hours, why do you disagree that this allegation of in</p> <p>12 person voter fraud is not just a myth?</p> <p>13 MR. McKENZIE: Object to facts not in</p> <p>14 evidence. You may answer.</p> <p>15 A. Anecdotal conversations, people talk.</p> <p>16 Q. (By Mr. Brazil) And conversations with whom?</p> <p>17 A. Oh, lots of people.</p> <p>18 Q. Can you give me the name of one person who has</p> <p>19 told you that they personally observed voter fraud in</p> <p>20 Texas?</p> <p>21 MR. McKENZIE: Object to private legislative</p> <p>22 communication, but otherwise you can answer.</p> <p>23 A. Yeah. Legislative privilege on that.</p> <p>24 Q. (By Mr. Brazil) Do you have anything in your</p> <p>25 office, whether it be an e-mail or a letter or an</p>	<p style="text-align: center;">244</p> <p>1 to you, you may answer it.</p> <p>2 A. Yeah. People in the district were asking me to</p> <p>3 vote yes on this bill.</p> <p>4 Q. (By Mr. Brazil) Okay. But that really wasn't my</p> <p>5 question. My question was did you send out a mailer</p> <p>6 saying, "please respond to this. What's your idea about</p> <p>7 this?" Did you send out a blast e-mail saying, "please</p> <p>8 respond to your thoughts on voter fraud," things of that</p> <p>9 nature. Did you do anything like this to your</p> <p>10 constituents?</p> <p>11 A. No.</p> <p>12 Q. Can you provide us today, under oath, any facts</p> <p>13 to support the allegation of voter fraud in Texas?</p> <p>14 ATTORNEY2: Objection; vague. You may</p> <p>15 answer.</p> <p>16 A. No, sir.</p> <p>17 Q. (By Mr. Brazil) Do you believe that, or do you</p> <p>18 have an opinion as to what was wrong with all of the</p> <p>19 laws in effect before SB 14 that dealt with registering</p> <p>20 to vote and voting that somehow needed to be corrected</p> <p>21 by SB 14?</p> <p>22 MR. McKENZIE: I'm going to object to the</p> <p>23 extent your opinion was developed in the course of your</p> <p>24 deliberations with the legislator. To the extent you</p> <p>25 have an opinion apart from that after you passed the</p>



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1 legislator. You can answer the question.
 2 A. Sorry I forgot the question.
 3 Q. (By Mr. Brazil) Sure. What was defective with
 4 all these other laws? We have federal laws, as you
 5 know, that cover voting registration and voting. We
 6 have State laws that cover registration and voting,
 7 right? Do you agree with that? Is that a yes. She
 8 can't take down uh-huh.
 9 A. Yes. I'm sorry.
 10 Q. What was defective in any of those laws that
 11 needed to be corrected in your opinion by SB 14?
 12 A. I don't know if it was corrected in as much as it
 13 was added to.
 14 Q. Okay. What did SB 14 add to, whether it be HAVA
 15 or any other voting legislation, what did it add?
 16 A. Can you explain HAVA?
 17 Q. No, I cannot. Not with the amount of time we
 18 have left here today. What, in your opinion, did it add
 19 to these other laws? Whether it be one law, federal
 20 law, State law, what did SB 14 add?
 21 A. The people of House District 52 asked me to
 22 support it so I'm going to support it.
 23 Q. What specifically did it add to any other laws
 24 that you believe is necessary to correct this allegation
 25 of voter fraud?

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1 A. I think it put into place a process that would
 2 protect the integrity of that system and the confidence
 3 the voters have in the system based on what they told me
 4 during the campaign.
 5 Q. Basically it sounds good.
 6 MR. McKENZIE: Objection. You're
 7 mischaracterizing the testimony. You may answer.
 8 A. I don't know.
 9 Q. (By Mr. Brazil) You don't know?
 10 A. I mean, they asked me to be supportive.
 11 Q. Okay. Would you agree with me that there's
 12 absolutely no independent Texas data to support the
 13 allegation of voter fraud?
 14 MR. McKENZIE: Objection; speculation. You
 15 may answer.
 16 A. No. I would not agree.
 17 Q. (By Mr. Brazil) Can you give me any example of
 18 independent Texas data to support the allegation of
 19 voter fraud in Texas?
 20 A. I don't have any.
 21 Q. Okay. Would you agree with me that all of the
 22 information that you had before you cosponsored SB 14
 23 regarding alleged voter fraud was hearsay?
 24 A. Anecdotal.
 25 Q. What's the difference between that and hearsay?

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1 A. I'm not an attorney. I used the word anecdotal.
 2 Q. Okay. Did I understand your testimony that the
 3 first time you ever considered voter fraud to be an
 4 issue was 2009?
 5 A. No. What we were talking about earlier was in
 6 the context of what have you heard. My testimony was in
 7 the context of what anybody hears on the news or
 8 whatever else that that's always been out there. That's
 9 what you see and you learn about and you hear about.
 10 Into that we drilled down into it as a matter of policy.
 11 For the first time we ever looked at that in that way
 12 was about that time frame, yeah, for the campaign.
 13 Q. Just a couple other questions and I'm finished.
 14 Do you know what a provisional ballot is?
 15 A. Yes.
 16 Q. And you tell us your definition of a provisional
 17 ballot?
 18 A. Oh, man. My understanding is that if you don't
 19 have the election judge who you walked up to doesn't
 20 feel that you have the right or necessary information
 21 that they need to authenticate your vote that they put
 22 you in a provisional ballot category.
 23 Q. And do you know when or if the provisional
 24 ballots are counted?
 25 A. The only thing I know is in the event of a

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1 contest provisional ballots are counted. I can't tell
 2 you that's the only time they're counted. But in a
 3 contest they're counted.
 4 Q. Can you provide any example of any election in
 5 the last 50 years that's been changed by voter fraud?
 6 A. No, sir.
 7 Q. Thank you. That's all I have. I appreciate it.
 8 Thank you.
 9 MR. GEAR: With that we'll conclude with
 10 that -- do you have any questions?
 11 THE WITNESS: No. I'm good.
 12 MR. GEAR: We'll conclude your deposition
 13 for now, but we'll hold it open for a later date.
 14 THE WITNESS: Thank you.
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<p style="text-align: center;">249</p> <p>1 CHANGES AND SIGNATURE 2 RE: STATE OF TEXAS VS. HOLDER 3 4 PAGE LINE CHANGE REASON 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">251</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF COLUMBIA 3 4 STATE OF TEXAS) 5) 6 VS.) NO. 12-CV-128 7) (DST, RMC, RLW) 8) 9 ERIC H. HOLDER, JR.,) 10 In his official) 11 Capacity as Attorney) 12 General of the United) 13 States) 14 15 ***** 16 CERTIFICATE FROM THE 17 ORAL DEPOSITION OF 18 LARRY GONZALES 19 MAY 31, 2012 20 ***** 21 I, Janalyn Reeves, a Certified Shorthand Reporter 22 in and for the State of Texas, do hereby certify that 23 the foregoing deposition is a full, true and correct 24 transcript; 25 That the foregoing deposition of LARRY GONZALES, the Witness, hereinbefore named was at the time named, taken by me in stenograph on May 31, 2012, the said Witness having been by me first duly cautioned and sworn to tell the truth, the whole truth, and nothing but the truth, and the same were thereafter reduced to typewriting by me or under my direction. The charge for the completed deposition is \$_____ due from Defendant. () That pursuant to the Federal Rules of Civil Procedure, the Witness shall have 30 days after being notified by certified mail, return receipt requested, by</p>
<p style="text-align: center;">250</p> <p>1 I, LARRY GONZALES, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5 LARRY GONZALES 6 THE STATE OF TEXAS) 7) 8 COUNTY OF TRAVIS) 9 Before me, , on this day 10 personally appeared LARRY GONZALES, known to me (or 11 proved to me under oath or through 12 (description of identity card or other document) to be 13 the person whose name is subscribed to the foregoing 14 instrument and acknowledged to me that they executed the 15 same for the purposes and consideration therein 16 expressed. 17 Given under my hand and seal of office this ____ 18 day of , . 19 20 NOTARY PUBLIC IN AND FOR 21 THE STATE OF 22 23 24 25</p>	<p style="text-align: center;">252</p> <p>1 the deposition officer that the original deposition 2 transcript is available in her office for review and 3 signature by the Witness and if any corrections made are 4 attached hereto; 5 () That by agreement of counsel, a reading condensed 6 copy of the deposition transcript along with the 7 full-size original changes and Signature Sheet has been 8 sent to_____ on_____ for review and 9 signature within 30 days and if any corrections returned 10 are attached hereto; 11 () That by agreement of counsel, the deposition 12 officer is instructed to release the original deposition 13 transcript to_____ on_____, for review and 14 signature, and the deposition officer is thereafter 15 released of any further responsibility with regard to 16 the original. 17 () That the Witness shall have thirty (30) days for 18 review and signature of the original transcript and if 19 any corrections returned are attached hereto. 20 () That the signed transcript () was () was not 21 received from the Witness within 30 days. 22 () That the examination and signature of the Witness 23 is waived by the Witness and the parties; 24 That the amount of time used by each party at the 25 deposition is as follows:</p>



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1 Mr. Gear - 5 hours 41 minutes
2 Mr. Brazil - 15 minutes
3 Mr. McKenzie - no time
4 Ms. Judge - no time

5 I further certify that I am neither counsel for,
6 related to, nor employed by any of the parties in the
7 action in which this proceeding was taken, and further
8 that I am not financially or otherwise interested in the
9 outcome of the action.

10 WITNESS MY HAND, this 31 day
11 of May, A.D., 2012

12 



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